

AMENDED IN SENATE FEBRUARY 23, 2012

AMENDED IN SENATE JULY 12, 2011

AMENDED IN ASSEMBLY MAY 16, 2011

AMENDED IN ASSEMBLY MARCH 31, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1073**

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**Introduced by Assembly Member Fuentes**

February 18, 2011

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An act to add Chapter 6 (commencing with Section 8390) to Division 4.1 of the Public Utilities amend Section 25500.1 of the Public Resources Code, relating to energy efficiency, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1073, as amended, Fuentes. ~~Electrical corporation energy efficiency programs: application requirements. Energy: solar thermal powerplants: conversion to solar photovoltaic technology.~~

(1) Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify thermal powerplants. Under the California Environmental Quality Act (CEQA), the certification of a thermal powerplant is a certified regulatory program and is therefore exempt from certain requirements of CEQA. A thermal powerplant does not include a solar photovoltaic electrical generating facility. However, existing law provides that the thermal powerplant certification process applies to owners of specified proposed solar thermal powerplants who are proposing to convert the proposed facility from solar thermal technology to solar photovoltaic

*technology if the proposed solar thermal powerplant project has been certified by the commission. Existing law provides that the thermal powerplant certification process does not apply to the proposed conversion if the certification of the proposed solar thermal powerplant was timely challenged.*

*This bill would provide that the thermal powerplant certification process would apply to a proposed conversion of a solar thermal powerplant that was timely challenged if the challenge was subsequently dismissed by the California Supreme Court.*

*(2) This bill would declare that it is to take effect immediately as an urgency statute.*

~~Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. The Public Utilities Act requires the PUC to review and adopt a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives. The act requires that an electrical corporation's proposed procurement plan include certain elements, including a showing that the electrical corporation will first meet its unmet needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible. The act requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), to identify all potentially achievable cost-effective electricity efficiency savings and to establish efficiency targets for electrical corporations to achieve pursuant to their procurement plan. The act additionally requires the PUC, in consultation with the Energy Commission, to identify all potentially achievable cost-effective natural gas efficiency savings and to establish efficiency targets for a gas corporation to achieve and requires that a gas corporation first meet its unmet resource needs through all available natural gas efficiency and demand response resources that are cost effective, reliable, and feasible. Existing law, adopted as part of electrical restructuring and continued in the Reliable Electric Service Investments Act, requires the PUC to supervise the administration of certain low-income energy efficiency programs, in consultation with the Low-Income Oversight Board, funded through a nonbypassable charge upon distribution. The PUC has approved various energy efficiency programs by electrical corporations and gas corporations.~~

~~Existing law requires that a local publicly owned electric utility, in procuring energy to serve the load of its retail end-use customers, to first acquire all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible, to establish annual targets for energy efficiency savings and demand reduction, and to report those targets and their basis to the Energy Commission. Existing law requires every publicly owned electric and gas utility that provides the energy for space heating for low-income customers to also provide home weatherization services for those customers if a significant need for those services exists in the utility's service territory, in consideration of certain factors. Existing law requires that each local publicly owned electric and gas utility develop and implement its low-income weatherization program in consultation with gas and electrical corporations and the Department of Economic Opportunity, to avoid duplication and to ensure the most efficient use of public and private resources.~~

~~This bill would prohibit an energy utility, as defined, from issuing rebates or incentives for energy efficiency improvements unless the recipient of the rebate or incentive certifies that the improvement or installation has complied with applicable permitting requirements and appropriate licensing requirements.~~

~~Vote: majority <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.~~

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

1     SECTION 1. Section 25500.1 of the Public Resources Code is  
 2     amended to read:  
 3     25500.1. (a) The owner of a proposed solar thermal  
 4     ~~powerplants~~ powerplant, for which an application for certification  
 5     was filed with the commission after August 15, 2007, and certified  
 6     by the commission and, of a project on federal land, for which a  
 7     record of decision was issued by the Department of the Interior or  
 8     the Bureau of Land Management before September 1, 2011, may  
 9     petition the commission not later than June 30, 2012, to review an  
 10    amendment to the facility's certificate to convert the facility, in  
 11    whole or in part, from solar thermal technology to photovoltaic  
 12    technology, without the need to file an entirely new application  
 13    for certification or notice of intent pursuant to Section 25502,  
 14    provided that the commission prepares supplemental environmental

1 review documentation, provides for public notice and comment  
2 on the supplemental environmental review, and holds at least one  
3 public hearing on the proposal.

4 (b) The Department of Fish and Game and the State Water  
5 Resources Board shall provide comments to the commission on  
6 the water resource and water quality effects of the proposed  
7 powerplants. The commission shall incorporate all feasible  
8 mitigation measures identified by the department and the board.

9 (c) For a facility specified in subdivision (a), this chapter shall  
10 continue to apply, notwithstanding that the facility or part of the  
11 facility would otherwise be excluded pursuant to Section 25120.

12 (d) The commission shall process a petition submitted under  
13 this section pursuant to Section 1769 of Title 20 of the California  
14 Code of Regulations.

15 (e) This section shall not apply to any project if the project’s  
16 certificate was timely challenged pursuant to Section 25531, *unless*  
17 *the challenge was subsequently dismissed by the California*  
18 *Supreme Court.*

19 (f) *This section does not abrogate a party’s right to challenge*  
20 *a project’s certification pursuant to Section 25531 or any other*  
21 *provision of law.*

22 *SEC. 2. This act is an urgency statute necessary for the*  
23 *immediate preservation of the public peace, health, or safety within*  
24 *the meaning of Article IV of the Constitution and shall go into*  
25 *immediate effect. The facts constituting the necessity are:*

26 *To expedite the construction of a proposed facility that is*  
27 *converting from solar thermal to solar photovoltaic technology*  
28 *for the protection of public health and the environment, it is*  
29 *necessary for this measure to take effect immediately.*

30 ~~SECTION 1. Chapter 6 (commencing with Section 8390) is~~  
31 ~~added to Division 4.1 of the Public Utilities Code, to read:~~

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~~CHAPTER 6. ENERGY EFFICIENCY PROGRAMS~~

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35 ~~8390. (a) For purposes of this chapter, “energy utility” means~~  
36 ~~an electrical corporation, gas corporation, local publicly owned~~  
37 ~~electric utility, or municipal corporation that provides gas service.~~

38 ~~(b) (1) Any rebates or incentives offered by an energy utility~~  
39 ~~for an energy efficiency improvement or installation of energy~~  
40 ~~efficient components, equipment, or appliances in buildings shall~~

1 be provided only if the recipient of the rebate or incentive certifies  
2 that the improvement or installation has complied with any  
3 applicable permitting requirements and, if a contractor performed  
4 the installation or improvement, that the contractor holds the  
5 appropriate license for the work performed.

6 ~~(2) This subdivision does not imply or create authority or~~  
7 ~~responsibility, or expand existing authority or responsibility, of~~  
8 ~~an energy utility for the enforcement of the building energy and~~  
9 ~~water efficiency standards adopted pursuant to subdivision (a) or~~  
10 ~~(b) of Section 25402 of the Public Resources Code, or appliance~~  
11 ~~efficiency standards and certification requirements adopted~~  
12 ~~pursuant to subdivision (e) of Section 25402 of the Public~~  
13 ~~Resources Code.~~