

AMENDED IN ASSEMBLY MARCH 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1359

Introduced by Assembly Member Skinner

February 18, 2011

~~An act to amend Section 454 of the Public Utilities Code, relating to public utilities.~~ *An act to amend Section 43600 of the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1359, as amended, Skinner. ~~Public utilities: rates.~~ *Solid waste: landfills: evidence of financial ability: closure and postclosure maintenance.*

Existing law, the California Integrated Waste Management Act of 1989, establishes an integrated waste management program administered by the Department of Resources Recycling and Recovery. The act requires a person owning or operating a solid waste landfill, as defined, to submit to the board, with the closure plan and postclosure maintenance plan, evidence of financial ability to provide for the cost of closure and postclosure maintenance, in an amount that is equal to the estimated cost of closure and 15 years of postclosure maintenance, contained in the closure plan and the postclosure maintenance plan submitted.

This bill would specify that the evidence of financial ability to provide for the cost of the closure and postclosure maintenance shall be in an amount that is equal to the estimated cost of closure and not less than 15 years of postclosure maintenance.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, as defined. Existing law authorizes the~~

~~commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law, with certain exceptions, prohibits a public utility from changing any rate, except upon a showing before the commission and a finding by the commission that the new rate is justified.~~

~~This bill would make a nonsubstantive, technical change to this prohibition.~~

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 43600 of the Public Resources Code is
2 amended to read:

3 43600. (a) Except as otherwise provided in subdivision (b),
4 any a person owning or operating a solid waste landfill, as defined
5 in subdivision (a) of Section 40195.1, shall, with the closure plan
6 and postclosure maintenance plan submitted pursuant to
7 subdivision (b) of Section 43501, submit to the board evidence of
8 financial ability to provide for the cost of closure and postclosure
9 maintenance, in an amount that is equal to the estimated cost of
10 closure and *not less than* 15 years of postclosure maintenance,
11 contained in the closure plan and the postclosure maintenance plan
12 submitted.

13 (b) On and after the effective date of the federal regulations set
14 forth in Subpart G (commencing with Section 258.70) of Part 258
15 of Title 40 of the Code of Federal Regulations, ~~any a~~ person
16 owning or operating a solid waste landfill, shall, with the closure
17 plan and postclosure maintenance plan submitted pursuant to
18 subdivision (b) of Section 43501, submit to the board evidence of
19 financial ability to provide for closure and postclosure maintenance,
20 in an amount that is equal to the estimated cost of closure and 30
21 years of postclosure maintenance, contained in the closure plan
22 and the postclosure maintenance plan submitted.

23 ~~SECTION 1. Section 454 of the Public Utilities Code is~~
24 ~~amended to read:~~

25 454. ~~(a) Except as provided in Section 455, a public utility~~
26 ~~shall not change any rate or so alter any classification, contract,~~
27 ~~practice, or rule as to result in any new rate, except upon a showing~~
28 ~~before the commission and a finding by the commission that the~~

1 new rate is justified. Whenever any electrical, gas, heat, telephone,
2 water, or sewer system corporation files an application to change
3 any rate, other than a change reflecting and passing through to
4 customers only new costs to the corporation that do not result in
5 changes in revenue allocation, for the services or commodities
6 furnished by it, the corporation shall furnish to its customers
7 affected by the proposed rate change notice of its application to
8 the commission for approval of the new rate. This notice
9 requirement does not apply to any rate change proposed by a
10 corporation pursuant to an advice letter submitted to the
11 commission in accordance with commission procedures for this
12 means of submission. The procedures for advice letters may include
13 provision for notice to customers or subscribers on a case-by-case
14 basis, as determined by the commission. The corporation may
15 include the notice with the regular bill for charges transmitted to
16 the customers within 45 days if the corporation operates on a
17 30-day billing cycle, or within 75 days if the corporation operates
18 on a 60-day billing cycle. If more than one application to change
19 any rate is filed within a single billing cycle, the corporation may
20 combine the notices into a single notice if the applications are
21 separately identified. The notice shall state the amount of the
22 proposed rate change expressed in both dollar and percentage terms
23 for the entire rate change as well as for each customer
24 classification, a brief statement of the reasons the change is required
25 or sought, and the mailing, and if available, the e-mail address of
26 the commission to which any customer inquiries may be directed
27 regarding how to participate in, or receive further notices regarding
28 the date, time, or place of, any hearing on the application, and the
29 mailing address of the corporation to which any customer inquiries
30 relative to the proposed rate change may be directed.

31 (b) The commission may adopt rules it considers reasonable
32 and proper for each class of public utility providing for the nature
33 of the showing required to be made in support of proposed rate
34 changes, the form and manner of the presentation of the showing,
35 with or without a hearing, and the procedure to be followed in the
36 consideration thereof. Rules applicable to common carriers may
37 provide for the publication and filing of any proposed rate change
38 together with a written showing in support thereof, giving notice
39 of the filing and showing in support thereof to the public, granting
40 an opportunity for protests thereto, and to the consideration of,

1 and action on, the showing and any protests filed thereto by the
2 commission, with or without hearing. However, the proposed rate
3 change does not become effective until it has been approved by
4 the commission.
5 (e) The commission shall permit individual public utility
6 customers and subscribers affected by a proposed rate change, and
7 organizations formed to represent their interests, to testify at any
8 hearing on the proposed rate change, except that the presiding
9 officer need not allow repetitive or irrelevant testimony and may
10 conduct the hearing in an efficient manner.