

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Bradford

February 24, 2012

An act to add Section 557 to the Public Utilities Code, relating to electrical corporations and gas corporations.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as introduced, Bradford. Electrical corporations and gas corporations: unplanned service outages: retention of evidence.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. Existing law requires the PUC to adopt inspection, maintenance, repair, and replacement standards for the distribution systems of electrical corporations in order to provide high quality, safe, and reliable service. Existing law requires the PUC to conduct a review to determine whether the standards have been met and to perform the review after every major outage.

This bill would require every electrical corporation and gas corporation that has an unplanned service outage resulting from an accident, natural event, or caused by the unplanned act of a utility employee, to preserve and not dispose of any materials that evidence the cause of the unplanned outage for 5 business days following the unplanned outage. The bill would provide that where evidence is required to be altered in order to restore utility service or to protect the public safety, the electrical corporation or gas corporation is required to identify those utility facilities that have been altered and preserve those materials that are unnecessary to restoration of service or protection of the public safety.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill are within the act, the bill would impose a state-mandated local program by creating a new crime.

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. Section 557 is added to the Public Utilities Code,
2 to read:

3 557. Every electrical corporation and gas corporation that has
4 an unplanned service outage resulting from an accident, natural
5 event, or caused by the unplanned act of a utility employee, for
6 five business days following the unplanned outage, shall preserve
7 and not dispose of any materials that evidence the cause of the
8 unplanned outage. Where materials or evidence are required to be
9 altered in order to restore utility service or to protect the public
10 safety, the utility shall identify those utility facilities that have
11 been altered and preserve those materials or evidence that are
12 unnecessary to restoration of service or protection of the public
13 safety. The duty to preserve evidence of unplanned outages
14 pursuant to this section is inapplicable when, during the five-day
15 period, the commission notifies the utility that it has concluded
16 any investigation it intends to conduct as to the reasons for the
17 outage.

18 SEC. 2. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution because
20 the only costs that may be incurred by a local agency or school
21 district will be incurred because this act creates a new crime or
22 infraction, eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section 17556 of
24 the Government Code, or changes the definition of a crime within

1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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