

AMENDED IN SENATE JUNE 19, 2012

AMENDED IN ASSEMBLY APRIL 23, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2584

Introduced by Assembly Member Bradford

February 24, 2012

An act to add Section 316 to the Public Utilities Code, relating to electrical corporations ~~and gas corporations~~.

LEGISLATIVE COUNSEL'S DIGEST

AB 2584, as amended, Bradford. Electrical corporations ~~and gas corporations~~: investigations.

(1) 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~~ to cooperate fully with the PUC in an investigation into any major accident or any reportable incident, *as defined by the PUC*, regardless of pending litigation or other investigations, including, but not limited to, those that may be related to a PUC investigation. The bill would require every electrical corporation ~~and gas corporation~~ to provide the PUC, upon its request, immediate access to specified documents. The bill would require every electrical corporation ~~and gas~~

corporation to preserve any and all documents *or evidence* it collects as part of its own investigation related to the incident for at least 5 years, *or a shorter period of time as authorized by the commission.*

(2) 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 316 is added to the Public Utilities Code,
2 to read:

3 316. (a) Each electrical corporation and ~~gas corporation~~ shall
4 cooperate fully with the commission in an investigation into any
5 major accident or any reportable incident, *as these terms are*
6 *defined by the commission, concerning overhead electric supply*
7 *and communications facilities*, regardless of pending litigation or
8 other investigations, including, but not limited to, those that may
9 be related to a commission investigation.

10 (b) After the scene of the incident has been made safe and
11 service has been restored, each electrical corporation ~~and gas~~
12 ~~corporation~~ shall provide the commission, upon its request,
13 immediate access to all of the following:

14 (1) Any factual or physical evidence under the electrical
15 corporation's ~~or gas corporation's~~, or its agent's, physical control,
16 custody, or possession related to the incident.

17 (2) The name and contact information of any known percipient
18 witness.

19 (3) Any employee percipient witness under the electrical
20 corporation's ~~or gas corporation's~~ control.

1 (4) The name and contact information of any person or entity
2 that has taken possession of any physical evidence removed from
3 the site of the incident.

4 (5) Any and all documents under the electrical corporation's ~~or~~
5 ~~gas corporation's~~ control that are related to the incident and are
6 not subject to attorney-client privilege or attorney work product
7 doctrine.

8 (c) Each electrical corporation ~~and gas corporation~~ shall preserve
9 any and all documents *or evidence* it collects as part of its own
10 investigation related to the incident for at least five years *or a*
11 *shorter period of time as authorized by the commission.*

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