

Introduced by Senator BlakesleeFebruary 15, 2011

An act to amend Section 218 of the Public Utilities Code, relating to electrical corporations.

LEGISLATIVE COUNSEL'S DIGEST

SB 371, as introduced, Blakeslee. Electrical corporations.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined.

This bill would make a nonsubstantive, technical revision to the definition of an electrical corporation.

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 218 of the Public Utilities Code is
2 amended to read:
3 218. (a) "Electrical corporation" includes every corporation
4 or person owning, controlling, operating, or managing any electric
5 plant for compensation within this state, except where electricity
6 is generated on or distributed by the producer through private
7 property solely for its own use or the use of its tenants and not for
8 sale or transmission to others.
9 (b) "Electrical corporation" does not include a corporation or
10 person employing cogeneration technology or producing ~~power~~
11 *electricity* from other than a conventional power source for the

1 generation of electricity solely for any one or more of the following
2 purposes:

3 (1) Its own use or the use of its tenants.

4 (2) The use of or sale to not more than two other corporations
5 or persons solely for use on the real property on which the
6 electricity is generated or on real property immediately adjacent
7 thereto, unless there is an intervening public street constituting the
8 boundary between the real property on which the electricity is
9 generated and the immediately adjacent property and one or more
10 of the following applies:

11 (A) The real property on which the electricity is generated and
12 the immediately adjacent real property is not under common
13 ownership or control, or that common ownership or control was
14 gained solely for purposes of sale of the electricity so generated
15 and not for other business purposes.

16 (B) The useful thermal output of the facility generating the
17 electricity is not used on the immediately adjacent property for
18 petroleum production or refining.

19 (C) The electricity furnished to the immediately adjacent
20 property is not utilized by a subsidiary or affiliate of the corporation
21 or person generating the electricity.

22 (3) Sale or transmission to an electrical corporation or state or
23 local public agency, but not for sale or transmission to others,
24 unless the corporation or person is otherwise an electrical
25 corporation.

26 (c) “Electrical corporation” does not include a corporation or
27 person employing landfill gas technology for the generation of
28 electricity for any one or more of the following purposes:

29 (1) Its own use or the use of not more than two of its tenants
30 located on the real property on which the electricity is generated.

31 (2) The use of or sale to not more than two other corporations
32 or persons solely for use on the real property on which the
33 electricity is generated.

34 (3) Sale or transmission to an electrical corporation or state or
35 local public agency.

36 (d) “Electrical corporation” does not include a corporation or
37 person employing digester gas technology for the generation of
38 electricity for any one or more of the following purposes:

39 (1) Its own use or the use of not more than two of its tenants
40 located on the real property on which the electricity is generated.

1 (2) The use of or sale to not more than two other corporations
2 or persons solely for use on the real property on which the
3 electricity is generated.

4 (3) Sale or transmission to an electrical corporation or state or
5 local public agency, if the sale or transmission of the electricity
6 service to a retail customer is provided through the transmission
7 system of the existing local publicly owned electric utility or
8 electrical corporation of that retail customer.

9 (e) “Electrical corporation” does not include an independent
10 solar energy producer, as defined in Article 3 (commencing with
11 Section 2868) of Chapter 9 of Part 2.

12 (f) The amendments made to this section at the 1987 portion of
13 the 1987–88 Regular Session of the Legislature do not apply to
14 any corporation or person employing cogeneration technology or
15 producing power from other than a conventional power source for
16 the generation of electricity that physically produced electricity
17 prior to January 1, 1989, and furnished that electricity to
18 immediately adjacent real property for use thereon prior to January
19 1, 1989.