

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 3, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 415

Introduced by Assembly Member Garcia

February 15, 2013

~~An act to add Section 2120 to the Public Utilities Code, relating to public utilities. An act to amend Section 2864 of the Public Utilities Code, relating to solar energy.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 415, as amended, Garcia. ~~Public utilities: Public Utilities Act: violation: defense.~~ *Solar energy: water heating.*

The Solar Water Heating and Efficiency Act of 2007 requires the Public Utilities Commission, in consultation with the State Energy Resources Conservation and Development Commission, to establish eligibility criteria for solar water heating systems receiving gas customer funded incentives under the act. The act requires the criteria to include eligibility requirements for residential solar water heating systems or solar collectors used in systems for multifamily residential, commercial, government, nonprofit, educational, or industrial water heating systems, as specified.

This bill would revise those eligibility requirements to require the solar water heating systems or solar collectors be certified by accredited listing agencies in accordance with specified standards, and would specify that the commission may adopt consensus solar standards applicable to products or systems as developed by accredited standards developers.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities and can establish its own procedures, subject to statutory limitations or directions and constitutional requirements of due process. The Public Utilities Act regulates specified public utilities. A violation of the Public Utilities Act or an order, decision, rule, direction, demand, or requirement of the commission is a crime.~~

~~This bill would provide that evidence of a reasonable good faith reliance upon advice directly provided by the commission staff is to be considered by the commission only for the purposes of determining the appropriate penalty to impose in an enforcement action by the commission pursuant to the act or an order, decision, rule, direction, demand, or requirement of the commission.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 2864 of the Public Utilities Code is
2 amended to read:
3 2864. (a) The commission, in consultation with the Energy
4 Commission and interested members of the public, shall establish
5 eligibility criteria for solar water heating systems receiving gas
6 customer funded incentives pursuant to this article. The criteria
7 should specify and include all of the following:
8 (1) Design, installation, and energy output or displacement
9 standards. To be eligible for rebate funding, a residential solar
10 water heating system ~~shall, at a minimum, have~~ *shall be certified*
11 ~~by an accredited listing agency in accordance with SRCC-OG-300~~
12 ~~Solar Water Heating System Certification. Solar Standard 300 or~~
13 ~~with an equivalent American National Standard. Solar collectors~~
14 ~~used in systems for multifamily residential, commercial,~~
15 ~~government, nonprofit, educational, or industrial water heating~~
16 ~~shall, at a minimum, have~~ *shall be certified by an accredited listing*
17 ~~agency in accordance with SRCC-OG-100 Solar Water Heating~~
18 ~~System Certification. Standard 100, SRCC Standard 150, SRCC~~
19 ~~Standard 600, or with ISO 9806, ASHRAE 93, or equivalent.~~
20 *Energy output of collectors and systems shall be determined in*
21 *accordance with procedures set forth by the listing agency, and*

1 *shall be based on testing results from accredited testing*
2 *laboratories.*

3 (2) Require that solar water heating system components are new
4 and unused, and have not previously been placed in service in any
5 other location or for any other application.

6 (3) Require that solar water heating collectors have a warranty
7 of not less than 10 years to protect against defects and undue
8 degradation.

9 (4) Require that solar water heating systems are in buildings or
10 facilities connected to a natural gas utility's distribution system
11 within the state.

12 (5) Require that solar water heating systems have meters or
13 other kWh_{th} measuring devices in place to monitor and measure
14 the system's performance and the quantity of energy generated or
15 displaced by the system. The criteria shall require meters for
16 systems with a capacity for displacing over 30 kW_{th}. The criteria
17 may require meters for systems with a capacity of 30 kW_{th} or
18 smaller.

19 (6) Require that solar water heating systems are installed in
20 conformity with the manufacturer's specifications and all
21 applicable codes and standards.

22 (b) Gas customer funded incentives shall not be made for a solar
23 water heating system that does not meet the eligibility criteria.

24 (c) *The commission may adopt consensus solar standards*
25 *applicable to products or systems as developed by accredited*
26 *standards developers.*

27 ~~SECTION 1. Section 2120 is added to the Public Utilities Code,~~
28 ~~to read:~~

29 ~~2120. (a) Evidence of a reasonable good faith reliance upon~~
30 ~~the advice directly provided by commission staff shall be~~
31 ~~considered by the commission only for the purposes of determining~~
32 ~~the appropriate penalty to be imposed in an enforcement action~~
33 ~~brought by the commission pursuant to this part or pursuant to an~~
34 ~~order, decision, rule, direction, demand, or requirement of the~~
35 ~~commission.~~

36 ~~(b) For the purpose of this section, "reasonable good faith~~
37 ~~reliance" means a reasonable belief that the action of an entity,~~
38 ~~acting on the direction and advice of the staff of the commission,~~
39 ~~is legal and consistent with the direction and advice provided.~~

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