

AMENDED IN SENATE SEPTEMBER 11, 2013

AMENDED IN SENATE SEPTEMBER 4, 2013

AMENDED IN SENATE AUGUST 12, 2013

AMENDED IN SENATE JULY 10, 2013

AMENDED IN ASSEMBLY MAY 8, 2013

AMENDED IN ASSEMBLY APRIL 24, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 628**

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**Introduced by Assembly Members Gorell and Hall  
(Coauthors: Assembly Members Brown and V. Manuel Pérez)**

February 20, 2013

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An act to add Chapter 13 (commencing with Section 25990) to Division 15 of the Public Resources Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 628, as amended, Gorell. Energy management plans for harbor and port districts.

Existing law requires the State Energy Resources Conservation and Development Commission to adopt energy conservation standards to reduce the wasteful, uneconomic, inefficient, or unnecessary consumption of energy, and to implement various programs to provide financial assistance to specified entities for energy efficient improvements.

This bill would authorize the Humboldt Bay Harbor, Recreation, and Conservation District and specified harbor and port districts, as defined, jointly with an electrical corporation, gas corporation, community choice aggregator, aggregator established on or before July, 1 2013, or publicly owned electric or gas utility serving the district to prepare one or more energy management plans to reduce air emissions and promote economic development through the addition of new businesses and the retention of existing businesses in the district. The bill would require, if a district prepares an energy management plan pursuant to these provisions, that the plan include specified provisions.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The state promotes the efficient use of low-cost,
- 4 low-emissions energy sources in the operations of its ports and
- 5 harbors.
- 6 (b) There is an opportunity in port and harbor district operations,
- 7 including the movement of commercial goods, to reduce vehicular
- 8 emissions of greenhouse gases and criteria pollutants.
- 9 (c) The state encourages the development of new businesses
- 10 and the retention of existing businesses within port and harbor
- 11 district boundaries.
- 12 (d) Energy utility customers located within the state’s port and
- 13 harbor districts may benefit from the addition of new businesses
- 14 and the retention of existing businesses through increased energy
- 15 cost certainty.
- 16 (e) Businesses located within the state’s port and harbor districts
- 17 may benefit through greater stability and certainty in the cost of
- 18 energy services.
- 19 (f) Investor-owned utilities, community choice aggregators, and
- 20 publicly owned utilities are in an optimal position, and are
- 21 encouraged to engage in joint projects with port and harbor districts
- 22 to provide and administer energy-related service alternatives and
- 23 programs that may promote economic development and retention
- 24 in those districts.

1 SEC. 2. Chapter 13 (commencing with Section 25990) is added  
2 to Division 15 of the Public Resources Code, to read:

3  
4 CHAPTER 13. ENERGY MANAGEMENT PLANS FOR HARBOR AND  
5 PORT DISTRICTS  
6

7 25990. (a) For purposes of this chapter, the term “district”  
8 shall mean the Humboldt Bay Harbor, Recreation, and  
9 Conservation District, the Ports of Hueneme, Oakland, Long Beach,  
10 Los Angeles, Redwood City, Richmond, San Diego, San Francisco,  
11 Stockton, and West Sacramento, and any other harbor, recreation,  
12 and conservation district that operates a harbor or port in the state.  
13 A district may prepare one or more energy management plans,  
14 developed jointly with an electrical corporation, as defined in  
15 subdivision (a) of Section 218 of the Public Utilities Code, a gas  
16 corporation, as defined in Section 222 of the Public Utilities Code,  
17 a community choice ~~aggregator~~, *aggregator established on or*  
18 *before July, 1 2013*, or a public utility, as defined in subdivision  
19 (a) of Section 216 of the Public Utilities Code, that produces,  
20 generates, or supplies electricity to the public and that serves the  
21 district in order to reduce air emissions, promote economic  
22 development, and encourage the development of new businesses  
23 and retain existing businesses in that district.

24 (b) If a district prepares an energy management plan pursuant  
25 to this chapter, it shall include, at a minimum, all of the following:

26 (1) An assessment of current energy consumption within the  
27 district by energy source and type of users. Examples of users may  
28 include commercial, industrial, governmental, ships, individual  
29 transport, and product transport.

30 (2) An assessment of other energy efficiency and management  
31 issues the district determines to evaluate in order to inform the  
32 development of specific goals and actions that reduce air emissions  
33 and promote economic development, including all of the following:

34 (A) An electric or natural gas load forecast, developed in  
35 coordination with the serving electrical corporation, gas  
36 corporation, community choice ~~aggregator~~, *aggregator established*  
37 *on or before July, 1 2013*, or local publicly owned electric or gas  
38 utility that reflects anticipated load growth within the district.

39 (B) An assessment of the role that distributed generation,  
40 combined with accurately priced utility services, could play in

1 providing greater rate stability and energy cost certainty to aid in  
2 economic development, and proposed actions with respect to that  
3 role. This assessment shall be developed jointly with the serving  
4 electrical corporation, gas corporation, community choice  
5 ~~aggregator~~, *aggregator established on or before July, 1 2013*, or  
6 local publicly owned electric or gas utility.

7 (C) An assessment, in consultation with business and industry,  
8 that identifies current and emerging processes and technologies to  
9 reduce energy consumption and improve energy efficiency.

10 (D) An assessment, in consultation with business and industry,  
11 that identifies domestic and international shipping requirements  
12 and operations related to energy use and consumption.

13 (3) A set of measurable energy performance and management  
14 goals that reduce air emissions and promote economic  
15 development, and a prioritized list of infrastructure projects, public  
16 education initiatives, and other actions that the district will  
17 undertake to achieve those goals.

18 (4) A list of recommendations, developed jointly with the  
19 serving electrical corporation, gas corporation, community choice  
20 ~~aggregator~~, *aggregator established on or before July, 1 2013*, or  
21 local publicly owned electric or gas utility for the enhanced use  
22 of cost-effective energy efficiency and demand-side management  
23 in existing buildings and the inclusion of energy efficiency  
24 measures as part of the development of new buildings.

25 (5) A description of measures to be taken to reduce air emissions  
26 for vehicle use within district boundaries, including vehicles used  
27 for movement of commercial products. Proposed actions,  
28 developed jointly with the serving electrical corporation, gas  
29 corporation, community choice ~~aggregator~~, *aggregator established*  
30 *on or before July, 1 2013*, or local publicly owned electric utility,  
31 may include replacement of vehicles with lower emitting  
32 alternatives and development of infrastructure, in appropriate areas,  
33 to aid in the refueling of alternative fuel vehicles.

34 (6) A summary identifying governmental and nongovernmental  
35 impediments to implementation of the plan that includes  
36 recommendations on how these impediments may be overcome.

37 (7) A description of one-year, 3-year, 5-year, 10-year, and  
38 15-year objectives for implementation of the plan. These objectives  
39 shall be in sufficient detail to allow the district to undertake a  
40 meaningful annual review of the plan's progress.

1 (8) Proposed methods to fund the activities included in the plan,  
2 including funding through utility ratepayer-funded programs.

3 (9) Other related energy plans, mandates, and requirements,  
4 and, to the extent possible, leverage opportunities for achieving  
5 energy efficiency and sustainable energy production, while not  
6 overburdening impacted businesses.

7 (c) A district that prepares a plan shall engage with small  
8 business technical assistance providers to assist in the identification  
9 of joint or collaborative energy efficiency project opportunities,  
10 public education activities, and financing opportunities that  
11 implement the actions and projects in the plan.

12 (d) The Public Utilities Commission shall encourage electric or  
13 gas corporations to participate jointly with local agencies in  
14 developing, implementing, and administering viable energy  
15 management plans for districts. The governing boards of local  
16 publicly owned utilities, community choice—~~aggregators,~~  
17 *aggregators established on or before July 1, 2013*, and rural electric  
18 cooperatives shall encourage joint participation with local agencies  
19 and gas corporations in developing, implementing, and  
20 administering viable energy management plans for districts.

21 (e) If an energy management plan is prepared pursuant to this  
22 chapter, it shall also address the development of projects that  
23 provide greater certainty of energy costs over a period of up to 15  
24 years for businesses developing in the district.

25 (f) The Public Utilities Commission may offer technical  
26 assistance in the preparation of the energy management plans  
27 developed and implemented pursuant to this chapter, including,  
28 but not limited to, identifying best practices, innovations in  
29 technology, and potential funding sources.