

AMENDED IN SENATE AUGUST 22, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 796**

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**Introduced by Assembly Member Muratsuchi**  
*(Principal coauthor: Senator Corbett)*

February 21, 2013

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An act to ~~add Section 25525.5 to the Public Resources Code~~ amend Section 379.8 of the Public Utilities Code, relating to ~~energy~~ electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 796, as amended, Muratsuchi. ~~Energy: thermal powerplants: certification: sea level rise.~~ *Advanced electrical distributed generation technology.*

*Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, as defined. The existing definition of an electrical corporation excludes a corporation or person employing cogeneration, as defined, technology or producing electricity from other than a conventional power source for certain purposes. Existing law places certain limitations upon gas rates and surcharges charged cogenerators. Existing law prohibits placing alternative fuel capability requirements upon gas customers that use gas for purposes of cogeneration.*

*Existing law authorizes the commission and the State Air Resources Board to treat advanced electrical distributed generation technology, as defined, as cogeneration, and makes certain existing limitations upon gas rates and surcharges charged cogenerators applicable to an advanced electrical distributed generation technology. Existing law*

*makes the prohibition upon placing alternative fuel capability requirements upon gas customers that use gas for purposes of cogeneration applicable to a generator using advanced electrical distributed generation technology. These provisions do not apply to an advanced electrical distributed generation technology that is first operational at a site on and after January 1, 2014.*

*This bill would make the above-described authority, limitations, and prohibitions inapplicable to an advanced electrical distributed generation technology that is first operational at a site on and after January 1, 2016.*

~~Existing law vests the State Energy Resources Conservation and Development Commission with the exclusive jurisdiction to certify sites for thermal powerplants with a generation capacity of 50 or more megawatts and related facilities. Existing law requires the commission to make certain findings before issuing a certification for the site.~~

~~This bill would require the commission to consider the effects of sea level rise in the context of protecting the proposed site and related facility from damage caused by sea level rise during the certification process.~~

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 379.8 of the Public Utilities Code is  
2     amended to read:

3     379.8. (a) As used in this section, “advanced electrical  
4     distributed generation technology” means any electric distributed  
5     generation technology that generates useful electricity and meets  
6     all of the following conditions:

7     (1) The emissions standards adopted by the State Air Resources  
8     Board pursuant to the distributed generation certification program  
9     requirements of Article 3 (commencing with Section 94200) of  
10    Subchapter 8 of Chapter 1 of Division 3 of Title 17 of the  
11    California Code of Regulations.

12    (2) Produces de minimis emissions of sulfur oxides and nitrogen  
13    oxides.

14    (3) Meets the greenhouse gases emission performance standard  
15    established by the commission pursuant to Section 8341.

1 (4) Has a total electrical efficiency of not less than 45 percent.  
2 If legislation is enacted that increases the 42.5 percent efficiency  
3 described in subdivision (b) of Section 216.6 above 45 percent,  
4 the commission may adjust the electrical efficiency standard  
5 described in this paragraph to ensure that this electrical efficiency  
6 standard meets or exceeds the standard enacted for the purposes  
7 of subdivision (b) of Section 216.6.

8 (5) Is sized to meet the generator’s onsite electrical demand.

9 (6) Has parallel operation to the electrical distribution grid.

10 (7) Utilizes renewable or nonrenewable fuel.

11 (b) (1) An advanced electrical distributed generation technology  
12 shall qualify for the rate established by the commission pursuant  
13 to Section 454.4.

14 (2) The limitation in subdivision (b) of Section 6352 upon the  
15 assessment of surcharges for gas used to generate electricity by a  
16 nonutility facility applies to an advanced electrical distributed  
17 generation technology.

18 (3) The limitation in Section 2773.5 upon imposing alternative  
19 fuel capability requirements upon gas customers that use gas for  
20 purposes of cogeneration applies to an advanced electrical  
21 distributed generation technology.

22 (c) The commission or State Air Resources Board may, in  
23 furtherance of the state’s goals for achieving cost-effective  
24 reductions in emissions of greenhouse gases, meeting resource  
25 adequacy requirements, or meeting the renewables portfolio  
26 standard, treat advanced electrical distributed generation technology  
27 as cogeneration.

28 (d) Subdivisions (b) and (c) do not apply to an advanced  
29 electrical distributed generation technology that is first operational  
30 at a site on and after January 1, ~~2014~~ 2016.

31 ~~SECTION 1. Section 25525.5 is added to the Public Resources~~  
32 ~~Code, to read:~~

33 ~~25525.5. In the issuance of a certification pursuant to this~~  
34 ~~chapter, the commission shall consider the effects of sea level rise~~  
35 ~~in the context of protecting the proposed site and related facility~~  
36 ~~from potential damage caused by sea level rise, such as storm~~  
37 ~~surges and flooding. In assessing the sea level rise, the commission~~  
38 ~~may rely on floodplain maps published by the Department of Water~~  
39 ~~Resources.~~

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