

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2137**

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**Introduced by Assembly Member Quirk**

February 20, 2014

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An act to add Chapter 5.10 (commencing with Section 25499) to Division 15 of the Public Resources Section 12098.9 to the Government Code, and to add Section 323.5 to the Public Utilities Code, relating to energy efficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 2137, as amended, Quirk. ~~Small Business Energy Efficiency Incentive Program~~. *Energy efficiency programs: information available for small businesses.*

*Existing law creates the Office of Small Business Advocate within the Governor's Office of Business and Economic Development. Existing law establishes the duties and functions of the advocate, which include advisory participation in the consideration of all legislation and administrative regulations that affect small businesses. Existing law also requires the office to post specified information on its Internet Web site, including information about emergency preparedness, responses, and recovery strategies for small businesses and information regarding programs administered through the statewide network of small business financial development corporations.*

*This bill would require the office to develop and maintain on its Internet Web site a section dedicated to all of the energy efficiency programs that are available to small businesses within the state.*

*Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations and gas corporations, as defined. The Public Utilities Act requires the Public Utilities Commission to review and accept, modify, or reject a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives. The act requires that an electrical corporation's proposed procurement plan include certain elements, including a showing that the electrical corporation will first meet its unmet needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible. Existing law requires the Public Utilities Commission, in consultation with the State Energy Resources Conservation and Development Commission, to identify all potentially achievable cost-effective electricity efficiency savings and to establish efficiency targets for electrical corporations to achieve pursuant to their procurement plan. The Public Utilities Act additionally requires the Public Utilities Commission, in consultation with the State Energy Resources Conservation and Development Commission, to identify all potentially achievable cost-effective natural gas efficiency savings and to establish efficiency targets for gas corporations to achieve and requires that a gas corporation first meet its unmet resource needs through all available gas efficiency and demand reduction resources that are cost effective, reliable, and feasible.*

*This bill would require the Public Utilities Commission to develop and maintain on its Internet Web site a section dedicated to all of the electrical corporation and gas corporation energy efficiency programs that are available to small businesses within the state, which emphasizes energy efficiency measures that are likely to be of most interest to small businesses. The bill would require the Public Utilities Commission, when available, to include hyperlink or URL connections to electrical corporation and gas corporation Internet Web sites that enable users of the Internet to directly access available information on those utility Internet Web sites.*

~~Existing law requires the State Energy Resources Conservation and Development Commission to administer various programs to provide incentives to specified entities for energy efficiency projects. Existing law requires the commission to establish incentives in the form of specified financial assistance for, among other entities, small businesses for constructing and retrofitting buildings to be more energy efficient by using, among other things, products certified by the commission as~~

energy efficient zone heating products. Existing law also requires the commission to establish minimum levels of operating efficiency for appliances.

This bill would require the commission to establish the Small Business Energy Efficiency Incentive Program to provide rebates to small business for eligible equipment, as defined, that meets the appliance efficiency standards established by the commission and reduces the electricity usage of the small business. The bill would establish the Small Business Energy Efficiency Incentive Program Fund in the State Treasury and would require the moneys in the fund, upon appropriation by the Legislature, to be expended by the commission for the purposes of the program. The bill would require the commission to identify excess moneys available for energy efficiency programs that it administers and would require those excess moneys be transferred to the fund.

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 the*  
2 *following:*

3       (a) *Helping small businesses become more energy efficient can*  
4 *help California reduce energy consumption and thereby help in*  
5 *reducing emissions of greenhouse gases throughout the state.*

6       (b) *Small businesses are the backbone of California's economic*  
7 *prosperity.*

8       (c) *Maximizing the energy efficiency programs the state,*  
9 *electrical corporations, gas corporations, and local publicly owned*  
10 *electric and gas utilities offer can help small businesses become*  
11 *more productive and assist in reducing electrical demand during*  
12 *peak demand periods.*

13       (d) *To better serve the public, and to benefit the state, the state*  
14 *shall promote and facilitate the fullest possible participation of*  
15 *small businesses to benefit from energy efficiency programs run*  
16 *by the state, as well as any programs of an electrical corporation,*  
17 *gas corporation, or local publicly owned electric or gas utility.*

18     SEC. 2. *Section 12098.9 is added to the Government Code, to*  
19 *read:*

20       12098.9. (a) *For purposes of this section, the following terms*  
21 *have the following meanings:*

1       (1) “Energy efficiency programs” mean all energy efficiency,  
2 energy conservation, energy savings, or weatherization programs  
3 of the state or a local government, electrical corporations, gas  
4 corporations, or a local publicly owned electric or gas utility.

5       (2) “Electrical corporation,” “gas corporation,” and “local  
6 publicly owned electric utility” have the same meanings as  
7 respectively defined in Sections 218, 222, and 224.3 of the Public  
8 Utilities Code. “Local publicly owned gas utility” includes the  
9 gas departments of the City of Long Beach and the City of Palo  
10 Alto.

11      (3) “Small business” has the same meaning as defined in Section  
12 14837.

13      (b) In order to educate small business owners of the availability  
14 of various programs promoting the efficient use of energy, the  
15 office shall develop and maintain on its Internet Web site a section  
16 dedicated to all of the energy efficiency programs that are available  
17 to small businesses within the state. The office shall consult with  
18 the Public Utilities Commission, the State Energy Resources  
19 Conservation and Development Commission, and local publicly  
20 owned electric and gas utilities in developing the information to  
21 include on its Internet Web site.

22      SEC. 3. Section 323.5 is added to the Public Utilities Code, to  
23 read:

24      323.5. (a) For purposes of this section, the following terms  
25 have the following meanings:

26       (1) “Energy efficiency programs” mean all energy efficiency,  
27 energy conservation, energy savings, or weatherization programs  
28 of electrical corporations or gas corporations subject to direction  
29 and supervision by the commission.

30       (2) “Hyperlink” means a special Hypertext Markup Language  
31 (HTML) code that allows text or graphics to serve as a link that,  
32 when clicked on, takes a user to another place in the same  
33 document, to another document, or to another Internet Web site  
34 or Web page.

35       (3) “Small business” has the same meaning as defined in Section  
36 14837 of the Governmental Code.

37       (4) “Uniform Resource Locator” or “URL” means the address  
38 of an Internet Web site or the location of a resource on the World  
39 Wide Web that allows a browser to locate and retrieve the Internet  
40 Web site or the resource.

1       (b) In order to educate small business owners of the availability  
2 of various electrical corporation and gas corporation programs  
3 promoting the efficient use of electricity and natural gas, the  
4 commission shall develop and maintain on its Internet Web site a  
5 section dedicated to all of the energy efficiency programs that are  
6 available to small businesses within the state, which emphasizes  
7 energy efficiency measures that are likely to be of most interest to  
8 small businesses. Where available, the commission shall include  
9 hyperlink or URL connections to electrical corporation and gas  
10 corporation Internet Web sites that enable users of the Internet to  
11 directly access available information on those utility Internet Web  
12 sites.

13       (c) (1) Nothing in this section limits the authority of the  
14 commission to make information relative to energy efficiency  
15 programs available to other target audiences in addition to small  
16 businesses.

17       (2) Nothing in this section limits the authority of the commission  
18 to make information specially available to small businesses relative  
19 to other public utility programs that may be of special interest to  
20 small businesses.

21 SECTION 1. Chapter 5.10 (commencing with Section 25499)  
22 is added to Division 15 of the Public Resources Code, to read:

## ~~CHAPTER 5.10. SMALL BUSINESS ENERGY EFFICIENCY INCENTIVE PROGRAM~~

25499. (a) For purposes of this chapter, "eligible equipment"  
26 means an electric or gas product that supports the day-to-day  
27 operation of a business.

(b) The commission shall establish the Small Business Energy Efficiency Incentive Program to provide rebates to small businesses for the purchase of eligible equipment that meets the energy efficiency standards established pursuant to subdivision (e) of Section 25402 and decreases the electricity usage of the small business.

36       (e) The commission, in consultation with the Governor's Office  
37 of Business and Economic Development, shall develop an  
38 investment strategy to allocate funds appropriated for the purpose  
39 of this program.

1       (d) (1) There is hereby established in the State Treasury the  
2       Small Business Energy Efficiency Incentive Program Fund.  
3       Moneys in the fund, upon appropriation by the Legislature, shall  
4       be expended by the commission for the purpose of this chapter.  
5       (2) The commission shall identify excess moneys available for  
6       energy efficiency programs it administers and, to the extent not  
7       inconsistent with federal law or the California Constitution, shall  
8       transfer those excess moneys to the Small Business Energy  
9       Efficiency Incentive Program Fund to be available for  
10      appropriation.