

AMENDED IN ASSEMBLY MAY 15, 2014

AMENDED IN ASSEMBLY MAY 6, 2014

AMENDED IN ASSEMBLY APRIL 21, 2014

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 2137**

**Introduced by Assembly Member Quirk**

February 20, 2014

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An act to add 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. 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~~

*demandside energy management* 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. *Under their existing authorities, the Public Utilities Commission and the State Energy Resources Conservation and Development Commission, in collaborating with various entities, have developed the Energy Upgrade California program to promote and finance energy efficiency and renewable energy projects for homes and businesses, reduce energy use, and help train contractors and building professionals.*

~~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. The bill would require the commission to require those electrical corporations and gas corporations that are responsible for the joint Internet Web site dedicated to energy efficiency programs that is administered by a 3rd party, to include on that joint Internet Web site a hyperlink or URL connection to the section of the commission's Internet Web site that is dedicated to the energy efficiency programs available to small businesses. and the State Energy Resources Conservation and Development Commission to jointly ensure that the Internet Web site for the Energy Upgrade California program be revised to include information related to demandside management programs for nonresidential customers, with emphasis on small businesses.~~

~~Existing law makes any public utility, as defined, and any corporation other than a public utility, that violates the Public Utilities Act, or that fails to comply with any part of any order, decision, rule, direction, demand, or requirement of the commission guilty of a crime.~~

~~Because the provisions of this bill are within the act and require action by the commission to implement its requirements with respect to certain electrical corporations and gas corporations, a violation of these provisions would impose a state-mandated local program by creating a new crime.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: *yes-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~~
- 4 *better manage their energy use* can help California reduce energy
- 5 consumption and thereby help in reducing emissions of greenhouse
- 6 gases throughout the state.
- 7 (b) Small businesses are the backbone of California's economic
- 8 prosperity.
- 9 (c) ~~Maximizing the energy efficiency~~ *demandside energy*
- 10 *management* programs the state, electrical corporations, gas

1 corporations, and local publicly owned electric and gas utilities  
2 offer can help small businesses become more productive and assist  
3 in reducing electrical demand during peak demand periods.

4 (d) To better serve the public, and to benefit the state, the state  
5 shall promote and facilitate the fullest possible participation of  
6 small businesses to benefit from ~~energy efficiency~~ *demandside*  
7 *energy management* programs run by the state, as well as any  
8 programs of an electrical corporation, gas corporation, or local  
9 publicly owned electric or gas utility.

10 SEC. 2. Section 12098.9 is added to the Government Code, to  
11 read:

12 12098.9. (a) For purposes of this section, the following terms  
13 have the following meanings:

14 (1) ~~“Energy efficiency”~~ *“Demandside energy management*  
15 *programs”* mean all energy efficiency, *demandside response, clean*  
16 *distributed generation*, energy conservation, energy savings, or  
17 weatherization programs of the state or a local government,  
18 electrical corporations, gas corporations, or a local publicly owned  
19 electric or gas utility.

20 (2) “Electrical corporation,” “gas corporation,” and “local  
21 publicly owned electric utility” have the same meanings as  
22 respectively defined in Sections 218, 222, and 224.3 of the Public  
23 Utilities Code. “Local publicly owned gas utility” includes the gas  
24 departments of the City of Long Beach and the City of Palo Alto.

25 (3) “Small business” has the same meaning as defined in Section  
26 14837.

27 (b) In order to educate small business owners of the availability  
28 of various programs promoting the efficient use of energy, the  
29 office shall develop and maintain on its Internet Web site a section  
30 dedicated to all of the ~~energy efficiency~~ *demandside energy*  
31 *management* programs that are available to small businesses within  
32 the state. The office shall consult with the Public Utilities  
33 Commission, the State Energy Resources Conservation and  
34 Development Commission, and local publicly owned electric and  
35 gas utilities in developing the information to include on its Internet  
36 Web site.

37 ~~SEC. 3. Section 323.5 is added to the Public Utilities Code, to~~  
38 ~~read:~~

39 ~~323.5. (a) For purposes of this section, the following terms~~  
40 ~~have the following meanings:~~

1 (1) ~~“Energy efficiency programs” mean all energy efficiency,~~  
2 ~~energy conservation, energy savings, or weatherization programs~~  
3 ~~of electrical corporations or gas corporations subject to direction~~  
4 ~~and supervision by the commission.~~

5 (2) ~~“Hyperlink” means a special Hypertext Markup Language~~  
6 ~~(HTML) code that allows text or graphics to serve as a link that,~~  
7 ~~when clicked on, takes a user to another place in the same~~  
8 ~~document, to another document, or to another Internet Web site~~  
9 ~~or Web page.~~

10 (3) ~~“Small business” has the same meaning as defined in Section~~  
11 ~~14837 of the Government Code.~~

12 (4) ~~“Uniform Resource Locator” or “URL” means the address~~  
13 ~~of an Internet Web site or the location of a resource on the World~~  
14 ~~Wide Web that allows a browser to locate and retrieve the Internet~~  
15 ~~Web site or the resource.~~

16 (b) ~~In order to educate small business owners of the availability~~  
17 ~~of various electrical corporation and gas corporation programs~~  
18 ~~promoting the efficient use of electricity and natural gas, the~~  
19 ~~commission shall develop and maintain on its Internet Web site a~~  
20 ~~section dedicated to all of the energy efficiency programs that are~~  
21 ~~available to small businesses within the state, which emphasizes~~  
22 ~~energy efficiency measures that are likely to be of most interest~~  
23 ~~to small businesses. Where available, the commission shall include~~  
24 ~~hyperlink or URL connections to electrical corporation and gas~~  
25 ~~corporation Internet Web sites that enable users of the Internet to~~  
26 ~~directly access available information on those utility Internet Web~~  
27 ~~sites.~~

28 (e) ~~The commission shall require those electrical corporations~~  
29 ~~and gas corporations that are responsible for the joint Internet Web~~  
30 ~~site dedicated to energy efficiency programs that is administered~~  
31 ~~by a third party, to include on that joint Internet Web site a~~  
32 ~~hyperlink or URL connection to the section of the commission’s~~  
33 ~~Internet Web site that is dedicated to the energy efficiency~~  
34 ~~programs available to small businesses described in subdivision~~  
35 ~~(b).~~

36 (d) ~~(1) Nothing in this section limits the authority of the~~  
37 ~~commission to make information relative to energy efficiency~~  
38 ~~programs available to other target audiences in addition to small~~  
39 ~~businesses.~~

1     ~~(2) Nothing in this section limits the authority of the commission~~  
 2     ~~to make information specially available to small businesses relative~~  
 3     ~~to other public utility programs that may be of special interest to~~  
 4     ~~small businesses.~~

5     ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
 6     ~~Section 6 of Article XIII B of the California Constitution because~~  
 7     ~~the only costs that may be incurred by a local agency or school~~  
 8     ~~district will be incurred because this act creates a new crime or~~  
 9     ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
 10    ~~for a crime or infraction, within the meaning of Section 17556 of~~  
 11    ~~the Government Code, or changes the definition of a crime within~~  
 12    ~~the meaning of Section 6 of Article XIII B of the California~~  
 13    ~~Constitution.~~

14    ~~SEC. 3. Section 323.5 is added to the Public Utilities Code, to~~  
 15    ~~read:~~

16    ~~323.5. (a) For the purposes of this section, “demandside~~  
 17    ~~energy management programs” and “small business” have the~~  
 18    ~~same meanings as set forth in Section 12098.9 of the Government~~  
 19    ~~Code.~~

20    ~~(b) The commission and the Energy Commission shall jointly~~  
 21    ~~ensure that the Internet Web site for the Energy Upgrade California~~  
 22    ~~program be revised to include information related to demandside~~  
 23    ~~energy management programs for nonresidential customers, with~~  
 24    ~~emphasis on small businesses.~~