

ASSEMBLY BILL

No. 175

Introduced by Assembly Member Mathis

January 26, 2015

An act to amend Sections 25500.5, 25514, 25514.5, and 25516 of the Public Resources Code, and to amend Section 740.3 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 175, as introduced, Mathis. Electricity.

The Warren-Alquist State Energy Resources Conservation and Development Act establishes the State Energy Resources Conservation and Development Commission and requires it to certify sufficient sites and related facilities that are required to provide a supply of electricity sufficient to accommodate projected demand for electricity in that commission's most recent forecast of statewide and service area electricity demand.

This bill would make nonsubstantive revisions to the State Energy Resources Conservation and Development Commission's certification requirements.

Existing law requires the Public Utilities Commission, in cooperation with the State Energy Resources Conservation and Development Commission, the State Air Resources Board, air quality management districts and air pollution control districts, electrical and gas corporations, and the motor vehicle industry, to evaluate and implement policies to promote the development of equipment and infrastructure needed to facilitate the use of electricity and natural gas to fuel low-emission vehicles.

This bill would make nonsubstantive revisions to these requirements of the Public Utilities Commission.

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

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

1 SECTION 1. Section 25500.5 of the Public Resources Code
2 is amended to read:

3 25500.5. The commission shall certify sufficient sites and
4 related facilities ~~which~~ *that* are required to provide a supply of
5 ~~electric power~~ *electricity* sufficient to ~~accommodate~~ *accommodate*
6 the demand projected in the most recent forecast of statewide and
7 service area ~~electric power~~ *electricity* demands adopted pursuant
8 to subdivision (b) of Section 25309.

9 SEC. 2. Section 25514 of the Public Resources Code is
10 amended to read:

11 25514. After conclusion of the hearings held pursuant to
12 Section 25513 and no later than 300 days after the filing of the
13 notice, a final report shall be prepared and distributed. The final
14 report shall include, but not be limited to, all of the following:

15 (a) The findings and conclusions of the commission regarding
16 the conformity of alternative sites and related facilities designated
17 in the notice or considered in the notice of intention proceeding
18 with both of the following:

19 (1) The 12-year forecast of statewide and service area ~~electric~~
20 ~~power~~ *electricity* demands adopted pursuant to subdivision (e) of
21 Section 25305, except as provided in Section 25514.5.

22 (2) Applicable local, regional, state, and federal standards,
23 ordinances, and laws, including any long-range land use plans or
24 guidelines adopted by the state or by any local or regional planning
25 agency, which would be applicable but for the exclusive authority
26 of the commission to certify sites and related facilities; and the
27 standards adopted by the commission pursuant to Section 25216.3.

28 (b) Any findings and comments submitted by the California
29 Coastal Commission pursuant to Section 25507 and subdivision
30 (d) of Section 30413.

31 (c) Any findings and comments submitted by the San Francisco
32 Bay Conservation and Development Commission pursuant to

1 Section 25507 of this code and subdivision (d) of Section 66645
2 of the Government Code.

3 (d) The commission's findings on the acceptability and relative
4 merit of each alternative siting proposal designated in the notice
5 or presented at the hearings and reviewed by the commission. The
6 specific findings of relative merit shall be made pursuant to
7 Sections 25502 to 25516, inclusive. In its findings on any
8 alternative siting proposal, the commission may specify
9 modification in the design, construction, location, or other
10 conditions which will meet the standards, policies, and guidelines
11 established by the commission.

12 (e) Findings and conclusions with respect to the safety and
13 reliability of the facility or facilities at each of the sites designated
14 in the notice, as determined by the commission pursuant to Section
15 25511, and any conditions, modifications, or criteria proposed for
16 any site and related facility proposal resulting from the findings
17 and conclusions.

18 (f) Findings and conclusions as to whether increased property
19 taxes due to the construction of the project are sufficient to support
20 needed local improvements and public services required to serve
21 the project.

22 SEC. 3. Section 25514.5 of the Public Resources Code is
23 amended to read:

24 25514.5. In considering the acceptability of a site proposed to
25 accommodate ultimately additional ~~power-generating~~ *electrical*
26 *generating* capacity, the commission, in determining, pursuant to
27 Sections 25514 and 25512, the conformity of the facilities proposed
28 in the notice with the 12-year forecast of statewide and service
29 area ~~electric power~~ *electricity* demands adopted pursuant to
30 subdivision (e) of Section 25305, shall base its determination only
31 on such initial facilities as are proposed for operation within the
32 forthcoming 12-year period. Additional facilities projected to be
33 operating at the site at a time beyond the forthcoming 12-year
34 period shall not be considered in the determination of conformity
35 with the ~~electric power~~ *electricity* demand forecast.

36 SEC. 4. Section 25516 of the Public Resources Code is
37 amended to read:

38 25516. (a) The approval of the notice by the commission shall
39 be based upon findings pursuant to Section 25514. The notice shall
40 not be approved unless the commission finds at least two alternative

1 site and related facility proposals considered in the commission’s
2 final report as acceptable. If the commission does not find at least
3 two sites and related facilities acceptable, additional sites and
4 related facilities may be proposed by the applicant which shall be
5 considered in the same manner as those proposed in the original
6 notice.

7 (b) If the commission finds that a good faith effort has been
8 made by the person submitting the notice to find an acceptable
9 alternative site and related facility and that there is only one
10 acceptable site and related facility among those submitted, the
11 commission may approve the notice based on the one site and
12 related facility. If a notice is approved based on one site and related
13 facility, the commission may require a new notice to be filed to
14 identify acceptable alternative sites and related facilities for the
15 one site and related facility approved unless suitable alternative
16 sites and related facilities have been approved by the commission
17 in previous notice of intention proceedings.

18 (c) If the commission finds that additional ~~electric~~ *electrical*
19 generating capacity is needed to accommodate the ~~electric power~~
20 *electricity* demand forecast pursuant to subdivision (e) of Section
21 25305 and, after the commission finds that a good faith effort was
22 made by the person submitting the notice to propose an acceptable
23 site and related facility, it fails to find any proposed site and related
24 facility to be acceptable, the commission shall designate, at the
25 request of and at the expense of the person submitting the notice,
26 a feasible site and related facility for providing the needed ~~electric~~
27 *electrical* generating capacity.

28 SEC. 5. Section 740.3 of the Public Utilities Code is amended
29 to read:

30 740.3. (a) The commission, in cooperation with the ~~State~~
31 ~~Energy Conservation and Development~~ *Energy* Commission, the
32 State Air Resources Board, air quality management districts and
33 air pollution control districts, regulated electrical and gas
34 corporations, and the motor vehicle industry, shall evaluate and
35 implement policies to promote the development of equipment and
36 infrastructure needed to facilitate the use of ~~electric power~~
37 *electricity* and natural gas to fuel low-emission vehicles. Policies
38 to be considered shall include both of the following:

1 (1) The sale-for-resale and the rate-basing of low-emission
2 vehicles and supporting equipment such as batteries for electric
3 vehicles and compressor stations for natural gas fueled vehicles.

4 (2) The development of statewide standards for electric vehicle
5 charger connections and compressed natural gas vehicle fueling
6 connections, including installation procedures and technical
7 assistance to installers.

8 (b) The commission shall hold public hearings as part of its
9 effort to evaluate and implement the new policies considered in
10 subdivision (a), and shall provide a progress report to the
11 Legislature by January 30, 1993, and every two years thereafter,
12 concerning policies on rates, equipment, and infrastructure
13 implemented by the commission and other state agencies, federal
14 and local governmental agencies, and private industry to facilitate
15 the use of ~~electric power~~ *electricity* and natural gas to fuel
16 low-emission vehicles.

17 (c) The commission's policies authorizing utilities to develop
18 equipment or infrastructure needed for electric-powered and natural
19 gas-fueled low-emission vehicles shall ensure that the costs and
20 expenses of those programs are not passed through to electric or
21 gas ratepayers unless the commission finds and determines that
22 those programs are in the ratepayers' interest. The commission's
23 policies shall also ensure that utilities do not unfairly compete with
24 nonutility enterprises.