

Assembly Bill No. 1979

CHAPTER 665

An act to add Section 399.20.5 to the Public Utilities Code, relating to energy.

[Approved by Governor September 26, 2016. Filed with Secretary of State September 26, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1979, Bigelow. Renewable feed-in tariff: hydroelectric facilities.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law requires every electrical corporation to file with the commission a standard tariff for electricity purchased from an electric generation facility, as defined, that qualifies for the tariff, is owned and operated by a retail customer of the electrical corporation, and is located within the service territory of, and developed to sell electricity to, the electrical corporation. Existing law requires that, in order to qualify for the tariff, the electric generation facility: (1) have an effective capacity of not more than 3 megawatts, subject to the authority of the commission to reduce this megawatt limitation, (2) be interconnected and operate in parallel with the electric transmission and distribution grid, (3) be strategically located and interconnected to the electrical transmission and distribution grid in a manner that optimizes the deliverability of electricity generated at the facility to load centers, and (4) meet the definition of an eligible renewable energy resource under the California Renewables Portfolio Standard Program. The commission refers to this requirement as the renewable feed-in tariff.

This bill would additionally authorize a conduit hydroelectric facility with an effective capacity of up to 4 megawatts to participate in the renewable feed-in tariff if the facility delivers no more than 3 megawatts to the grid at any time, was operational on January 1, 1990, and complies with specified interconnection and payment requirements.

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

SECTION 1. Section 399.20.5 is added to the Public Utilities Code, to read:

399.20.5. (a) Notwithstanding paragraph (1) of subdivision (b) and paragraph (2) of subdivision (j) of Section 399.20, a conduit hydroelectric facility with an effective capacity of up to four megawatts that otherwise meets the requirements of Section 399.20 shall be eligible for the standard contract or tariff established pursuant to subdivision (c) of Section 399.20

if the electric generation facility meets all the following additional requirements:

- (1) It was operational as of January 1, 1990.
 - (2) It delivers no more than three megawatts to the grid at any time.
 - (3) It complies with the electrical corporation's Electric Rule 21 tariff or other distribution access tariff.
- (b) A facility meeting the requirements of subdivision (a) shall receive payment pursuant to paragraph (1) of subdivision (d) of Section 399.20, provided that no payment shall be made for any electricity delivered to the grid in excess of three megawatts at any time.