

ASSEMBLY BILL

No. 2763

Introduced by Assembly Member Gatto

February 19, 2016

An act to amend Section 1001 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2763, as introduced, Gatto. Public utilities: certificates of public convenience and necessity.

The Public Utilities Act empowers the Public Utilities Commission with regulatory authority over public utilities, including gas corporations, as defined. The act defines “gas plant” for purposes of the act, unless the context requires otherwise, to include all real estate, fixtures, and personal property, owned, controlled, operated, or managed in connection with or to facilitate the production, generation, transmission, delivery, underground storage, or furnishing of gas, natural or manufactured, except propane, for light, heat, or power.

The Public Utilities Act prohibits any gas corporation from beginning the construction of, among other things, a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require that construction.

This bill would explicitly include language in the provisions specific to the issuance of these certificates reiterating that the definition of gas plant, described above, applies to those provisions. This bill would make other nonsubstantive changes.

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 1001 of the Public Utilities Code is
2 amended to read:

3 1001. (a) No railroad corporation whose railroad is operated
4 primarily by electric energy, street railroad corporation, gas
5 corporation, electrical corporation, telegraph corporation, telephone
6 corporation, water corporation, or sewer system corporation shall
7 begin the construction of a street railroad, or of a line, plant, or
8 system, or of any extension thereof, without having first obtained
9 from the commission a certificate that the present or future public
10 convenience and necessity require or will require ~~such~~ *the*
11 construction.

12 ~~This~~

13 (b) *This* article shall not be construed to require any such
14 corporation to secure such a certificate for an extension within any
15 city or city and county within which it has ~~theretofore~~ *previously*
16 lawfully commenced operations, or for an extension into territory
17 either within or without a city or city and county contiguous to its
18 street railroad, or line, plant, or system, and not ~~theretofore~~
19 *previously* served by a public utility of like character, or for an
20 extension within or to territory already served by it, necessary in
21 the ordinary course of its business. ~~¶~~

22 (c) *If* any public utility, in constructing or extending its line,
23 plant, or system, interferes or is about to interfere with the
24 operation of the line, plant, or system of any other public utility
25 or of the water system of a public agency, already constructed, the
26 commission, on complaint of the public utility or public agency
27 claiming to be injuriously affected, may, after hearing, make such
28 order and prescribe such terms and conditions for the location of
29 the lines, plants, or systems affected as to it may seem just and
30 reasonable.

31 (d) *For purposes of this article, “gas plant” shall have the same*
32 *meaning as specified in Section 221.*

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