

AMENDED IN ASSEMBLY APRIL 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2861

Introduced by Assembly Member Ting

February 19, 2016

An act to add Section 769.5 to the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 2861, as amended, Ting. Electricity: distribution grid interconnection dispute resolution process.

Existing law places various duties upon the Public Utilities Commission with respect to distributed generation and requires each electrical corporation to submit to the commission for its approval a distribution resources plan proposal to identify optimal locations for the deployment of distributed resources, as defined. Pursuant to existing law, the commission has established operational and metering requirements for a generation facility to be interconnected to an electrical corporation's distribution grid.

This bill would ~~require the commission, by April 1, 2017,~~ *authorize the commission* to establish an expedited distribution grid interconnection dispute resolution process, as specified, with the goal of resolving disputes over interconnection applications within the jurisdiction of the commission in no more than 60 days from the time the dispute is formally brought to the commission.

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. Section 769.5 is added to the Public Utilities
2 Code, to read:

3 769.5. (a) ~~By April 1, 2017, the commission shall~~ *The*
4 *commission may* establish an expedited distribution grid
5 interconnection dispute resolution process with the goal of
6 resolving disputes over interconnection applications that are within
7 the jurisdiction of the commission in no more than 60 days from
8 the time the dispute is formally brought to the commission. *If the*
9 *commission establishes an expedited distribution grid*
10 *interconnection dispute resolution process, the commission may*
11 *provide exceptions to the 60-day time period when more than 60*
12 *days are needed to fairly and safely address a dispute.*

13 (b) The expedited distribution grid interconnection dispute
14 resolution process shall include the following elements:

15 (1) A distribution grid interconnection technical advisory panel
16 consisting of at least eight individuals selected by the commission.
17 Four of the technical advisory panel members shall be from
18 electrical corporations and four shall not be from electrical
19 corporations. The commission shall determine the length of the
20 term of each member. ~~If any member of the panel is an employee~~
21 ~~of, or contractor to, an electrical corporation, an employee of a~~
22 ~~vendor with an open application, or has a financial interest or~~
23 ~~financial relationship to a person or corporation with a financial~~
24 ~~interest in the outcome of the decision, that member shall not~~
25 ~~participate in any discussion involving that electrical corporation,~~
26 ~~vendor, or financially interested person or corporation. A member~~
27 ~~shall not participate as a technical advisory panel member for the~~
28 ~~dispute resolution process for a contested interconnection~~
29 ~~application in any of the following situations:~~

30 (A) ~~The member is an employee of, a contractor to, or an~~
31 ~~employee of a contractor to, an electrical corporation to which~~
32 ~~the contested interconnection application has been submitted.~~

33 (B) ~~The member is the applicant, an installer or an employee~~
34 ~~of an installer for the applicant, or a third-party electricity~~
35 ~~purchase agreement provider for the applicant.~~

36 (C) ~~The member has a direct financial interest in the contested~~
37 ~~interconnection application.~~

- 1 (2) A review panel of four members shall be selected from the
2 technical advisory panel for each dispute.
- 3 (3) If an applicant is unable to resolve an interconnection-related
4 dispute after working with the electrical corporation operating the
5 distribution grid, the applicant may seek resolution of the dispute
6 using the commission's expedited distribution grid interconnection
7 dispute resolution process.
- 8 (4) Upon agreeing to a final settlement of the dispute, parties
9 shall be free to withdraw from the dispute resolution process.
- 10 (5) If the dispute is filed with the commission, the commission
11 shall ensure that a technical advisory panel shall review the dispute
12 and make a recommendation to the executive director of the
13 commission within 30 days of receiving the dispute.
- 14 (6) The commission shall establish a public process to allow
15 the electrical corporation, the applicant, and other interested parties
16 to file written comments on the recommendation of the technical
17 advisory panel.
- 18 (7) The panel shall request appropriate documents from the
19 electrical corporation involved in the dispute, including, but not
20 limited to, interconnection application studies.
- 21 (8) The scope of the technical advisory panel's review shall be
22 limited to issues regarding compliance with the established
23 interconnection rules. Any recommendations shall ensure safe and
24 reliable interconnection.
- 25 (9) The scope of the technical advisory panel's review is limited
26 to making recommendations to resolve specific customer disputes
27 and recommending associated corrective actions, and the panel
28 shall have no authority to assess penalties.
- 29 (10) Upon receipt of the recommendation from the technical
30 advisory panel, the executive director shall have 30 days to review
31 the recommendation and to prepare an order to the electrical
32 corporation resolving the dispute. If the review panel from the
33 technical advisory panel cannot agree on recommendations, then
34 each recommendation of a review panel member shall be submitted
35 to the executive director, who shall make the decision resolving
36 the dispute.
- 37 (11) Any interested person seeking commission review of the
38 executive director's determination shall file the request for review
39 within 10 days of the determination. Upon receipt of the request
40 for review, the executive director or the energy division director

- 1 shall prepare a proposed resolution of the matter for approval by
- 2 the commission.
- 3 (c) The commission shall provide the members of the technical
- 4 advisory panel that are not from electrical corporations with an
- 5 appropriate per diem compensation consistent with Section 19822.5
- 6 of the Government Code.