

AMENDED IN SENATE AUGUST 1, 2016

AMENDED IN ASSEMBLY APRIL 27, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2861**

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**Introduced by Assembly Member Ting**

February 19, 2016

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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 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. *The bill would require the commission to appoint a qualified electrical systems engineer with substantial interconnection expertise to advise the director*

*of the energy division and to provide adequate commission staff to assist in resolving interconnection disputes.*

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) The commission may establish an expedited  
4 distribution grid interconnection dispute resolution process with  
5 the goal of resolving disputes over interconnection applications  
6 that are within the jurisdiction of the commission in no more than  
7 60 days from the time the dispute is formally brought to the  
8 commission. If the commission establishes an expedited  
9 distribution grid interconnection dispute resolution process, the  
10 commission may provide exceptions to the 60-day time period  
11 when more than 60 days are needed to fairly and safely address a  
12 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. A member shall not participate as a ~~technical~~  
21 ~~advisory review~~ panel member for the dispute resolution process  
22 for a contested interconnection application in any of the following  
23 situations:

24 (A) The member is an employee of, a contractor to, or an  
25 employee of a contractor to, an electrical corporation to which the  
26 contested interconnection application has been submitted.

27 (B) The member is the applicant, an installer or an employee  
28 of an installer for the applicant, or a third-party electricity purchase  
29 agreement provider for the applicant.

30 (C) The member has a direct financial interest in the contested  
31 interconnection application.

32 (2) A review panel of four members shall be selected from the  
33 technical ~~advisory~~ panel for each dispute.

- 1 (3) If an applicant is unable to resolve an interconnection-related  
2 dispute after working with the electrical corporation operating the  
3 distribution grid, the applicant may seek resolution of the dispute  
4 using the commission's expedited distribution grid interconnection  
5 dispute resolution process.
- 6 (4) Upon agreeing to a final settlement of the dispute, parties  
7 shall be free to withdraw from the *expedited distribution grid*  
8 *interconnection* dispute resolution process.
- 9 (5) If the dispute is filed with the commission, the commission  
10 shall ensure that a ~~technical advisory~~ *the review* panel shall review  
11 the dispute and make a recommendation to the executive director  
12 of the commission within 30 days of receiving the dispute.
- 13 (6) The commission shall establish a public process to allow  
14 the electrical corporation, the applicant, and other interested parties  
15 to file written comments on the recommendation of the ~~technical~~  
16 ~~advisory~~ *review* panel.
- 17 (7) The *review* panel shall request appropriate documents from  
18 the electrical corporation involved in the dispute, including, but  
19 not limited to, interconnection application studies.
- 20 (8) The scope of the ~~technical advisory~~ *review* panel's review  
21 shall be limited to issues regarding compliance with the established  
22 interconnection rules. Any recommendations shall ensure safe and  
23 reliable interconnection.
- 24 (9) The scope of the ~~technical advisory~~ *review* panel's review  
25 is limited to making recommendations to resolve specific customer  
26 disputes and recommending associated corrective actions, and the  
27 panel shall have no authority to assess penalties.
- 28 (10) Upon receipt of the recommendation from the ~~technical~~  
29 ~~advisory~~ *review* panel, the executive director shall have 30 days  
30 to review the recommendation and to prepare an order to the  
31 electrical corporation resolving the dispute. If the review panel  
32 ~~from the technical advisory panel~~ cannot agree on  
33 recommendations, then each recommendation of a review panel  
34 member shall be submitted to the executive director, who shall  
35 make the decision resolving the dispute.
- 36 (11) Any interested person seeking commission review of the  
37 executive director's determination shall file the request for review  
38 within 10 days of the determination. Upon receipt of the request  
39 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~~ *panel who* are not from electrical corporations  
5 with an appropriate per diem compensation consistent with Section  
6 19822.5 of the Government Code.

7 (d) *The commission shall appoint a qualified electrical systems*  
8 *engineer with substantial interconnection expertise to advise the*  
9 *director of the energy division and shall provide adequate*  
10 *commission staff to assist in resolving interconnection disputes.*