

Assembly Bill No. 2861

CHAPTER 672

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

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2861, 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.

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

SECTION 1. Section 769.5 is added to the Public Utilities Code, to read:

769.5. (a) The commission may establish an expedited distribution grid interconnection dispute resolution process with the goal of resolving disputes over interconnection applications that are within the jurisdiction of the commission in no more than 60 days from the time the dispute is formally brought to the commission. If the commission establishes an expedited distribution grid interconnection dispute resolution process, the commission may provide exceptions to the 60-day time period when more than 60 days are needed to fairly and safely address a dispute.

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

(1) A distribution grid interconnection technical panel consisting of at least eight individuals selected by the commission. Four of the technical panel members shall be from electrical corporations and four shall not be from electrical corporations. The commission shall determine the length of the term of each member. A member shall not participate as a review panel member for the dispute resolution process for a contested interconnection application in any of the following situations:

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

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

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

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

(3) If an applicant is unable to resolve an interconnection-related dispute after working with the electrical corporation operating the distribution grid, the applicant may seek resolution of the dispute using the commission's expedited distribution grid interconnection dispute resolution process.

(4) Upon agreeing to a final settlement of the dispute, parties shall be free to withdraw from the expedited distribution grid interconnection dispute resolution process.

(5) If the dispute is filed with the commission, the commission shall ensure that the review panel shall review the dispute and make a recommendation to the executive director of the commission within 30 days of receiving the dispute.

(6) The commission shall establish a public process to allow the electrical corporation, the applicant, and other interested parties to file written comments on the recommendation of the review panel.

(7) The review panel shall request appropriate documents from the electrical corporation involved in the dispute, including, but not limited to, interconnection application studies.

(8) The scope of the review panel's review shall be limited to issues regarding compliance with the established interconnection rules. Any recommendations shall ensure safe and reliable interconnection.

(9) The scope of the review panel's review is limited to making recommendations to resolve specific customer disputes and recommending associated corrective actions, and the panel shall have no authority to assess penalties.

(10) Upon receipt of the recommendation from the review panel, the executive director shall have 30 days to review the recommendation and to prepare an order to the electrical corporation resolving the dispute. If the review panel cannot agree on recommendations, then each recommendation of a review panel member shall be submitted to the executive director, who shall make the decision resolving the dispute.

(11) Any interested person seeking commission review of the executive director's determination shall file the request for review within 10 days of the determination. Upon receipt of the request for review, the executive director or the energy division director shall prepare a proposed resolution of the matter for approval by the commission.

(c) The commission shall provide the members of the technical panel who are not from electrical corporations with an appropriate per diem compensation consistent with Section 19822.5 of the Government Code.

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