

AMENDED IN ASSEMBLY APRIL 25, 1995

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1890**

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**Introduced by Assembly Member Conroy**

February 24, 1995

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An act to amend Section 453 of, and to add Section 10009.4 to, the Public Utilities Code, relating to public utilities, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1890, as amended, Conroy. Public utilities: bills for services.

Under existing law, the Public Utilities Commission is vested with regulatory authority over public utilities.

This bill would permit each gas, electrical, heat, and water corporation, and each publicly owned utility furnishing light, heat, water and power, to identify, as a separate amount, on any bill for services or commodities furnished any customer or subscriber, the amount to be paid by the customer or subscriber that represents the costs of complying with a federal, state, or local governmental mandate, not including any fees imposed by the commission.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. It is the intent of the Legislature to  
2 unbundle the cost of electricity and to identify the costs  
3 incurred by utilities. It is the further intent of the  
4 Legislature to encourage all energy utilities to identify  
5 the amounts charged to customers due to government  
6 mandates.

7 SEC. 2. Section 453 of the Public Utilities Code is  
8 amended to read:

9 453. (a) No public utility shall, as to rates, charges,  
10 service, facilities, or in any other respect, make or grant  
11 any preference or advantage to any corporation or person  
12 or subject any corporation or person to any prejudice or  
13 disadvantage.

14 (b) No public utility shall prejudice, disadvantage, or  
15 require different rates or deposit amounts from a person  
16 because of race, religious creed, color, national origin,  
17 ancestry, physical handicap, medical condition,  
18 occupation, sex, marital status or change in marital status.  
19 A person who has exhausted all administrative remedies  
20 with the commission may institute a suit for injunctive  
21 relief and reasonable attorney's fees in cases of an alleged  
22 violation of this subdivision. If successful in litigation, the  
23 prevailing party shall be awarded attorney's fees.

24 (c) No public utility shall establish or maintain any  
25 unreasonable difference as to rates, charges, service,  
26 facilities, or in any other respect, either as between  
27 localities or as between classes of service.

28 (d) No public utility shall include with any bill for  
29 services or commodities furnished any customer or  
30 subscriber any advertising or literature designed or  
31 intended (1) to promote the passage or defeat of a  
32 measure appearing on the ballot at any election whether  
33 local, statewide, or national, (2) to promote or defeat any  
34 candidate for nomination or election to any public office,  
35 (3) to promote or defeat the appointment of any person  
36 to any administrative or executive position in federal,  
37 state or local government, or (4) to promote or defeat



1 any change in federal, state, or local legislation or  
2 regulations.

3 (e) Each gas, electrical, heat, and water corporation  
4 may identify, as a separate amount, on any bill for services  
5 or commodities furnished any customer or subscriber, the  
6 amount to be paid by the customer or subscriber that  
7 represents the costs of complying with a federal, state, or  
8 local governmental mandate, not including any fees  
9 imposed by the commission.

10 (f) The commission may determine any question of  
11 fact arising under this section.

12 SEC. 3. Section 10009.4 is added to the Public Utilities  
13 Code, to read:

14 10009.4. Each public utility furnishing light, heat,  
15 water, and power may identify, as a separate amount, on  
16 any bill for services or commodities furnished any  
17 customer or subscriber, the amount to be paid by the  
18 customer or subscriber which represents the costs of  
19 complying with a federal, state or local governmental  
20 mandate.

21 *SEC. 4. This act is an urgency statute necessary for the*  
22 *immediate preservation of the public peace, health, or*  
23 *safety within the meaning of Article IV of the*  
24 *Constitution and shall go into immediate effect. The facts*  
25 *constituting the necessity are:*

26 *In order for customers or subscribers of utilities to be*  
27 *able to identify the costs of complying with governmental*  
28 *mandates as soon as possible, it is necessary that this act*  
29 *take effect immediately.*

