

Senate Bill No. 184

CHAPTER 681

An act to add Section 701.8 to the Public Utilities Code, relating to public utilities.

[Approved by Governor October 8, 1995. Filed
with Secretary of State October 10, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 184, Kopp. San Francisco Bay Area Rapid Transit District.

Existing law authorizes the Public Utilities Commission to supervise and regulate every public utility, including electrical corporations in the state and to do all things necessary and convenient in the exercise of its power and jurisdiction.

This bill would make legislative findings and declarations regarding the encouragement of the San Francisco Bay Area Rapid Transit District and require electrical corporations to meet specified conditions with respect to the San Francisco Bay Area Rapid Transit District.

Since existing law makes any public utility who violates specified provisions regulating public utilities guilty of a misdemeanor, this bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

SECTION 1. The Legislature hereby finds and declares that the use of the San Francisco Bay Area Rapid Transit District (BART District) systems should be encouraged as a means of reducing automobile use, energy use, air pollution, and road and highway congestion. The Legislature further finds and declares that the cost of electricity is a major portion of the cost of operating the BART District's systems, and that decreases in electricity costs can enable lower transit fares which can encourage use of the transit system, while increases in electricity costs can cause higher transit fares which can discourage use. The Legislature also finds and declares that the BART District has qualified under subdivision (c) of Section 9 of the Reclamation Project Act of 1939 as amended and



supplemented as a preference entity for purposes of purchasing four megawatts of electric power from the Central Valley Project (preference power), a federal reclamation project, and, although more preference power may, in the future, be made available to the BART District to purchase, the ownership and control of transmission and distribution facilities over which the preference power would be transported in each electric service territory is a monopoly held by an electric utility regulated by the Public Utilities Commission. Furthermore, the BART District's system covers a wide geographic area and receives electric power at many locations, therefore, delivery of preference power by the electric utility to the BART District's system should not be limited to a single location.

SEC. 2. Section 701.8 is added to the Public Utilities Code, to read:

701.8. (a) To ensure that the commission regulated electric utilities do not operate their transmission and distribution monopolies in a manner that impedes the ability of the San Francisco Bay Area Rapid Transit District (BART District) to reduce its electricity cost through the purchase and delivery of preference power, electrical corporations shall meet the requirements of this section.

(b) Any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system shall, upon request by the BART District, and without discrimination or delay, use the same facilities to deliver preference power purchased from a federal power marketing agency or its successor.

(c) Where the BART District purchases electric power at more than one location, at any voltage, from an electric utility under tariffs regulated by the commission, the utility shall bill the BART District for usage as though all the electricity purchased at transmission level voltages were metered by a single meter at one location and all the electricity purchased at subtransmission voltages were metered by a single meter at one location, provided that any billing for demand charges would be based on the coincident demand of transmission and distribution metering.

(d) If, on or after January 1, 1996, the BART District leases or has agreed to lease, as special facilities, utility plants for the purpose of receiving power at transmission level voltages, an electric utility regulated by the commission may not terminate the lease without concurrence from the BART District.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government



Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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