

Senate Bill No. 529

Passed the Senate August 31, 2022

Secretary of the Senate

Passed the Assembly August 31, 2022

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2022, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 1001 of, and to add Section 564 to, the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

SB 529, Hertzberg. Electricity: electrical transmission facilities.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations. The commission, through a general order, prohibits an electrical corporation from beginning construction of a new electric generating plant, electric transmission, power, or distribution line facility, or new, upgraded, or modified substation without first complying with specified requirements.

This bill would require the commission, by January 1, 2024, to update that general order to authorize each electrical corporation to use the permit-to-construct process or claim an exemption to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities, as specified.

Existing law prohibits an electrical corporation from beginning construction of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity requires or will require its construction.

This bill would provide that the extension, expansion, upgrade, or other modification of an existing electrical transmission facility does not require a certificate that the present or future public convenience and necessity requires or will require its construction.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill would be a part of the act and a violation of a commission action implementing its requirements would be a crime, the bill would impose a state-mandated local program.

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. Section 564 is added to the Public Utilities Code, to read:

564. By January 1, 2024, the commission shall update General Order 131-D to authorize each public utility electrical corporation to use the permit-to-construct process or claim an exemption under Section III(B) of that general order to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities, including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.

SEC. 2. Section 1001 of the Public Utilities Code is amended to read:

1001. (a) A railroad corporation whose railroad is operated primarily by electricity, street railroad corporation, gas corporation, electrical corporation, telegraph corporation, telephone corporation, water corporation, or sewer system corporation shall not begin the construction of a street railroad, of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require its construction.

(b) The extension, expansion, upgrade, or other modification of an existing electrical transmission facility, including transmission lines and substations, does not require a certificate that the present or future public convenience and necessity requires or will require its construction.

(c) This article does not require those corporations to secure that certificate for an extension within any city or city and county within which it has lawfully commenced operations, for an extension into territory either within or without a city or city and county contiguous to its street railroad, line, plant, or system, and not served by a public utility of like character, or for an extension

within or to territory already served by it, necessary in the ordinary course of its business. If any public utility, in constructing or extending its line, plant, or system, interferes or is about to interfere with the operation of the line, plant, or system of any other public utility or of the water system of a public agency, already constructed, the commission, on complaint of the public utility or public agency claiming to be injuriously affected, may, after hearing, make an order and prescribe terms and conditions for the location of the lines, plants, or systems affected as to it may seem just and reasonable.

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.

Approved _____, 2022

Governor