

**ASSEMBLY BILL**

**No. 2669**

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**Introduced by Assembly Member Maldonado**

February 22, 2002

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An act to amend Section 829 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2669, as introduced, Maldonado. Public utilities: stocks and security transactions.

The Public Utilities Act generally exempts from provisions of that act governing stocks and security transactions any person or corporation that transacts no business subject to regulation under the act, except performing services or delivering commodities for or to public utilities or municipal or other public corporations primarily for resale or use in serving the public. Notwithstanding that general exemption, those provisions of the act governing stocks and security transactions apply to any public utility if the Public Utilities Commission finds that the application of those provisions is required by the public interest. The act authorizes the commission to exempt any public utility or class of public utility from those stock and security transaction provisions if it finds that their application is not necessary in the public interest.

This bill, except as specified, would exempt from those stock and security transaction provisions a telephone corporation that is regulated under a price-cap regulatory structure, as defined, unless the corporation secures the financing by pledging a plant or assets.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

SECTION 1. It is the intent of the Legislature that the amendments to Section 829 of the Public Utilities Code made by the act adding this section not hinder the commission's existing authority to disallow imprudent expenses or capital expenditures of the utilities under its jurisdiction, or the commission's authority to impute a capital structure or cost of capital for utilities under its jurisdiction.

SEC. 2. Section 829 of the Public Utilities Code is amended to read:

829. (a) This article ~~shall~~ *does not* apply to ~~any~~ *a* person or corporation ~~which~~ *that* transacts no business subject to regulation under this part, except performing services or delivering commodities for or to public utilities or municipal or other public corporations primarily for resale or use in serving the public or any portion thereof but shall, nevertheless, apply to any public utility if the commission finds, in a proceeding to which the public utility is or may become a party, that the application of this article is required by the public interest.

(b) (1) *The requirements in this article for commission approval of utility financing do not apply to a telephone corporation that is regulated under a price-cap regulatory structure if the corporation does not pledge a plant or assets to secure the financing. However, this article shall continue to apply to any telephone corporation that is also an electric or gas corporation that is a public utility, as defined in Section 216. The term "price-cap regulatory structure," as used in this paragraph, is a system under which rates are not set by means of a rate base or rate-of-return form of regulation, but, instead, are limited by a maximum price that may be charged for a specific service, or are not limited.*

(2) *Notwithstanding paragraph (1), a telephone corporation as described in this subdivision shall remain subject to Section 817, that provision of Section 820 regarding contracts, Section 824, those provisions of Section 826 and subdivision (a) of Section 827 that impose penalties for disobeying statutory and constitutional requirements, and Section 830.*

(3) *Notwithstanding paragraph (1), the commission may reimpose any or all of the requirements of this article for*

1 *commission approval of utility financing if the commission finds,*  
2 *in a proceeding to which the public utility is or may become a party,*  
3 *that the application of any or all of those requirements is required*  
4 *by the public interest.*

5 (c) The commission may from time to time by order or rule, and  
6 subject to ~~such~~ *those* terms and conditions ~~as that~~ may be  
7 prescribed ~~in the order or rule therein,~~ exempt any public utility  
8 or class of public utility from ~~the provisions this article, or any~~  
9 *portion of this article*, if it finds that the application ~~thereof of this~~  
10 *article to such* a public utility or class of public utility is not  
11 necessary in the public interest.

