

AMENDED IN SENATE SEPTEMBER 2, 2003

AMENDED IN SENATE AUGUST 19, 2003

AMENDED IN SENATE JUNE 17, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1340**

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**Introduced by Assembly Member Kehoe**

February 21, 2003

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~~An act to amend Section 25364 of, and to add Section 25355 to, the~~  
*An act to amend Sections 25354 and 25364 of the Public Resources*  
Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 1340, as amended, Kehoe. Petroleum: information reports.

Existing law establishes the State Energy Resources Conservation and Development Commission in the Resources Agency, and specifies the powers and duties of the commission with respect to energy resources in the state. Existing law requires major oil producers, refiners, major marketers, major oil transporters, and major oil storers to supply to the commission each month certain designated information regarding petroleum supplies, as specified. Existing law permits any person required to submit this information to request that specific information be held in confidence. *Existing law also permits the commission to request additional information as necessary.*

This bill would require an oil refiner, oil producer, petroleum product transporter, petroleum product marketer, petroleum product pipeline

operator, and terminal operator, *as designated by the commission*, to submit a report ~~to the energy commission~~ each week providing information, as required by the energy commission relating to receipts, inventory levels, imports, exports, transportation, sources, and prices. The bill would also permit any person required to submit this information ~~to the commission~~ to request that specific information be held in confidence.

*This bill would provide that information requested to be held in confidence shall be presumed to be confidential.*

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

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

1 ~~SECTION 1. Section 25355 is added to the Public Resources~~  
2 ~~Code, to read:~~

3 ~~25355. Beginning the first week after January 1, 2004, and~~  
4 ~~each week thereafter, an oil refiner, oil producer, petroleum~~  
5 ~~product transporter, petroleum product marketer, petroleum~~  
6 ~~product pipeline operator, and terminal operator shall submit a~~  
7 ~~report to the commission in the form and extent as the commission~~  
8 ~~prescribes pursuant to this section. A report may include, but is not~~  
9 ~~limited to, any of the following information:~~

10 ~~(a) Receipts and inventory levels of crude oil and petroleum~~  
11 ~~products at each refinery and terminal location.~~

12 ~~(b) Amount of gasoline, diesel, jet fuel, blending components,~~  
13 ~~and other petroleum products imported and exported.~~

14 ~~(c) Amount of gasoline, diesel, jet fuel, blending components,~~  
15 ~~and other petroleum products transported intrastate by marine~~  
16 ~~vessel.~~

17 ~~(d) Amount of crude oil imported, including information~~  
18 ~~identifying the source of the crude oil.~~

19 ~~(e) Dealer tank wagon prices, that is, net dealer buying prices.~~

20 ~~SEC. 2.—~~

21 ~~SECTION 1. Section 25354 of the Public Resources Code is~~  
22 ~~amended to read:~~

23 25354. (a) Each refiner and major marketer shall submit  
24 information each month to the commission in such form and extent  
25 as the commission prescribes pursuant to this section. The



1 information shall be submitted within 30 days after the end of each  
2 monthly reporting period and shall include the following:

3 (1) Refiners shall report, for each of their refineries, feedstock  
4 inputs, origin of petroleum receipts, imports of finished petroleum  
5 products and blendstocks, by type, including the source of those  
6 imports, exports of finished petroleum products and blendstocks,  
7 by type, including the destination of those exports, refinery  
8 outputs, refinery stocks, and finished product supply and  
9 distribution, including all gasoline sold unbranded by the refiner,  
10 blender, or importer.

11 (2) Major marketers shall report on petroleum product receipts  
12 and the sources of these receipts, inventories of finished petroleum  
13 products and blendstocks, by type, distributions through branded  
14 and unbranded distribution networks, and exports of finished  
15 petroleum products and blendstocks, by type, from the state.

16 (b) Each major oil producer, refiner, marketer, oil transporter,  
17 and oil storer shall annually submit information to the commission  
18 in such form and extent as the commission prescribes pursuant to  
19 this section. The information shall be submitted within 30 days  
20 after the end of each reporting period, and shall include the  
21 following:

22 (1) Major oil transporters shall report on petroleum by  
23 reporting the capacities of each major transportation system, the  
24 amount transported by each system, and inventories thereof. The  
25 commission may prescribe rules and regulations that exclude  
26 pipeline and transportation modes operated entirely on property  
27 owned by major oil transporters from the reporting requirements  
28 of this section if the data or information is not needed to fulfill the  
29 purposes of this chapter. The provision of the information shall not  
30 be construed to increase or decrease any authority the Public  
31 Utilities Commission may otherwise have.

32 (2) Major oil storers shall report on storage capacity,  
33 inventories, receipts and distributions, and methods of  
34 transportation of receipts and distributions.

35 (3) Major oil producers shall, with respect to thermally  
36 enhanced oil recovery operations, report annually by designated  
37 oil field, the monthly use, as fuel, of crude oil and natural gas.

38 (4) Refiners shall report on facility capacity, and utilization and  
39 method of transportation of refinery receipts and distributions.



1 (5) Major oil marketers shall report on facility capacity and  
2 methods of transportation of receipts and distributions.

3 (c) Each person required to report pursuant to subdivision (a)  
4 shall submit a projection each month of the information to be  
5 submitted pursuant to subdivision (a) for the quarter following the  
6 month in which the information is submitted to the commission.

7 (d) In addition to the data required under subdivision (a), each  
8 integrated oil refiner (produces, refines, transports, and markets in  
9 interstate commerce) who supplies more than 500 branded retail  
10 outlets in California shall submit to the commission an annual  
11 industry forecast for Petroleum Administration for Defense,  
12 District V (covering Arizona, Nevada, Washington, Oregon,  
13 California, Alaska, and Hawaii). The forecast shall include the  
14 information to be submitted under subdivision (a), and shall be  
15 submitted by March 15 of each year. The commission may require  
16 California-specific forecasts. However, those forecasts shall be  
17 required only if the commission finds them necessary to carry out  
18 its responsibilities.

19 (e) The commission may by order or regulation modify the  
20 reporting period as to any individual item of information setting  
21 forth in the order or regulation its reason for so doing.

22 (f) The commission may request additional information as  
23 necessary to perform its responsibilities under this chapter.

24 (g) Any person required to submit information or data under  
25 this chapter, in lieu thereof, may submit a report made to any other  
26 governmental agency, if:

27 (1) The alternate report or reports contain all of the information  
28 or data required by specific request under this chapter.

29 (2) The person clearly identifies the specific request to which  
30 the alternate report is responsive.

31 (h) Each refiner shall submit to the commission, within 30 days  
32 after the end of each monthly reporting period, all of the following  
33 information in such form and extent as the commission prescribes:

34 (1) Monthly California weighted average prices and sales  
35 volumes of finished leaded regular, unleaded regular, and  
36 premium motor gasoline sold through company-operated retail  
37 outlets, to other end-users, and to wholesale customers.

38 (2) Monthly California weighted average prices and sales  
39 volumes for residential sales, commercial and institutional sales,  
40 industrial sales, sales through company-operated retail outlets,



1 sales to other end-users, and wholesale sales of No. 2 diesel fuel  
2 and No. 2 fuel oil.

3 (3) Monthly California weighted average prices and sales  
4 volumes for retail sales and wholesale sales of No. 1 distillate,  
5 kerosene, finished aviation gasoline, kerosene-type jet fuel, No. 4  
6 fuel oil, residual fuel oil with 1 percent or less sulfur, residual fuel  
7 oil with greater than 1 percent sulfur and consumer grade propane.

8 (i) (1) *Beginning the first week after the effective date of the act*  
9 *that added this subdivision, and each week thereafter, an oil*  
10 *refiner, oil producer, petroleum product transporter, petroleum*  
11 *product marketer, petroleum product pipeline operator, and*  
12 *terminal operator, as designated by the commission, shall submit*  
13 *a report in the form and extent as the commission prescribes*  
14 *pursuant to this section. The commission may determine the form*  
15 *and extent necessary by order or by regulation.*

16 (2) *A report may include any of the following information:*

17 (A) *Receipts and inventory levels of crude oil and petroleum*  
18 *products at each refinery and terminal location.*

19 (B) *Amount of gasoline, diesel, jet fuel, blending components,*  
20 *and other petroleum products imported and exported.*

21 (C) *Amount of gasoline, diesel, jet fuel, blending components,*  
22 *and other petroleum products transported intrastate by marine*  
23 *vessel.*

24 (D) *Amount of crude oil imported, including information*  
25 *identifying the source of the crude oil.*

26 (E) *The regional average of invoiced retailer buying price. This*  
27 *subparagraph does not either preclude or augment the current*  
28 *authority of the commission to collect additional data under*  
29 *subdivision (f).*

30 (3) *This subdivision is intended to clarify the commission's*  
31 *existing authority under subdivision (f) to collect specific*  
32 *information. This subdivision does not either preclude or augment*  
33 *the existing authority of the commission to collect information.*

34 SEC. 2. Section 25364 of the Public Resources Code is  
35 amended to read:

36 25364. (a) Any person required to present information to the  
37 commission pursuant to Section 25354 ~~or 25355~~ may request that  
38 specific information be held in confidence. *Information requested*  
39 *to be held in confidence shall be presumed to be confidential.*



1 (b) Information presented to the commission pursuant to  
2 Section 25354 ~~or 25355~~ shall be held in confidence by the  
3 commission or aggregated to the extent necessary to assure  
4 confidentiality if public disclosure of the specific information or  
5 data would result in unfair competitive disadvantage to the person  
6 supplying the information.

7 (c) (1) Whenever the commission receives a request to  
8 publicly disclose unaggregated information, or otherwise  
9 proposes to publicly disclose information submitted pursuant to  
10 Section 25354 ~~or 25355~~, notice of the request or proposal shall be  
11 provided to the person submitting the information. The notice  
12 shall indicate the form in which the information is to be released.  
13 Upon receipt of notice, the person submitting the information shall  
14 have 10 working days in which to respond to the notice to justify  
15 the claim of confidentiality on each specific item of information  
16 covered by the notice on the basis that public disclosure of the  
17 specific information would result in unfair competitive  
18 disadvantage to the person supplying the information.

19 (2) The commission shall consider the respondent's submittal  
20 in determining whether to publicly disclose the information  
21 submitted to it to which a claim of confidentiality is made. The  
22 commission shall issue a written decision which sets forth its  
23 reasons for making the determination whether each item of  
24 information for which a claim of confidentiality is made shall  
25 remain confidential or shall be publicly disclosed.

26 (d) The commission shall not make public disclosure of  
27 information submitted to it pursuant to Section 25354 ~~or 25355~~  
28 within 10 working days after the commission has issued its written  
29 decision required in this section.

30 (e) No information submitted to the commission pursuant to  
31 Section 25354 ~~or 25355~~ shall be deemed confidential if the person  
32 submitting the information or data has made it public.

33 (f) With respect to petroleum products and blendstocks  
34 reported by type pursuant to paragraph (1) or (2) of subdivision (a)  
35 of Section 25354; *and* information provided pursuant to  
36 subdivision (h) *or* (i) of Section 25354, ~~or information provided~~  
37 ~~pursuant to Section 25355~~, neither the commission nor any  
38 employee of the commission may do any of the following:

39 (1) Use the information furnished under paragraph (1) or (2) of  
40 subdivision (a) of Section 25354; *or* under subdivision (h) *or* (i)



1 of Section 25354, ~~or under Section 25355~~ for any purpose other  
2 than the statistical purposes for which it is supplied.

3 (2) Make any publication whereby the information furnished  
4 by any particular establishment or individual under paragraph (1)  
5 or (2) of subdivision (a) of Section 25354; *or* under subdivision  
6 (h) *or* (i) of Section 25354, ~~or under Section 25355~~ can be  
7 identified.

8 (3) Permit anyone other than commission members and  
9 employees of the commission to examine the individual reports  
10 provided under paragraph (1) or (2) of subdivision (a) of Section  
11 25354; *or* under subdivision (h) *or* (i) of Section 25354, ~~or under~~  
12 ~~Section 25355~~.

13 (g) Notwithstanding any other provision of law, the  
14 commission may disclose confidential information received  
15 pursuant to subdivision (a) of Section 25304 or *Section* 25354 to  
16 the State Air Resources Board if the state board agrees to keep the  
17 information confidential. With respect to the information it  
18 receives, the state board shall be subject to all pertinent provisions  
19 of this section.

