

AMENDED IN ASSEMBLY APRIL 25, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 340

Introduced by Assembly Member Bradford

February 13, 2013

An act to add Section 383 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 340, as amended, Bradford. Public utilities: Electric Program Investment Charge: disposition.

Under existing law, the Public Utilities Commission (~~PUC~~) has regulatory authority over public utilities, including electrical corporations, as defined. The Reliable Electric Service Investments Act required the ~~PUC~~ *commission* to require the state's 3 largest electrical corporations, until January 1, 2012, to identify a separate electrical rate component, commonly referred to as the public goods charge, to collect specified amounts to fund energy efficiency, renewable energy, and research, development, and demonstration programs that enhance system reliability and provide in-state benefits. ~~An existing decision~~ *Existing decisions* of the ~~PUC~~ *commission* *institute* an Electric Program Investment Charge (~~EPIC~~), *referred to as EPIC*, to fund ~~renewable energy and~~ research, development, and demonstration programs.

The California Constitution authorizes the commission to establish rules for all public utilities, subject to control by the Legislature. Existing law directs the commission to require every electrical, gas, water, wireless telecommunications service provider, and telephone corporation with annual gross revenues exceeding \$25,000,000, and their regulated subsidiaries and affiliates, to implement a program

developed by the commission to encourage, recruit, and utilize minority, women, and disabled veteran-owned business enterprises, as defined, in the procurement of contracts from those corporations or from their regulated subsidiaries and affiliates. The commission, by its rulemaking authority, has adopted General Order 156, applicable to certain electrical, gas, and telephone corporations, to effectuate these requirements.

This bill would require the PUC commission to ~~require~~ establish a program to encourage the use of women, minority, and disabled veteran-owned businesses as prime contractors and subcontractors for all grants, contracts, subsidies, financing, and activities administered through the EPIC to ~~comply~~ consistent with General Order 156 of the PUC commission.

Existing law requires the commission to provide to the Legislature a specified report on the progress of activities undertaken by certain entities in the implementation of women, minority, and disabled veteran-owned business enterprise development programs.

This bill would require the commission to include in its 2014 report a status report on the commission's progress in increasing the participation of women, minorities, and disabled veteran-owned businesses, as specified.

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 383 is added to the Public Utilities Code,
2 to read:
3 383. (a) The Legislature finds and declares that the Public
4 Utilities Commission adopted the Electric Program Investment
5 Charge (EPIC) pursuant to ~~Decisions~~ *Decision 11-12-035 (Phase*
6 *1 Decision Establishing Interim Research, Development And*
7 *Demonstration, And Renewables Programs Funding Levels), as*
8 *modified by Decision 13-01-016 (Order Modifying Decision (D.)*
9 *11-12-035 and Denying Rehearing of Decision, As Modified), and*
10 *Decision 12-05-037 (Phase 2 Decision Establishing Purposes and*
11 *Governance for EPIC and Establishing Funding Collections for*
12 *2013–2020), as corrected by Decision 12-07-001 (Order*
13 *Correcting Error).*

1 (b) To promote greater competition among suppliers of research,
2 development, and demonstration programs and to expand the
3 available base and encourage greater economic opportunity for
4 women, ~~minorities~~ *minority*, and disabled ~~veteran-owned~~
5 *veteran-owned* businesses historically left out of research,
6 development, and demonstration programs, the commission shall
7 ~~require~~ *establish a program through an existing or new proceeding,*
8 *or by modifying an existing general order, to encourage the use*
9 *of women, minority, and disabled veteran-owned businesses as*
10 *prime contractors and subcontractors* for all grants, contracts,
11 subsidies, financing, and activities administered through the EPIC
12 established by Decisions 11-12-035 and 12-05-037, and related
13 and subsequent decisions, ~~to comply~~ *consistent* with General Order
14 156 of the commission.

15 (c) Not later than 2014, the commission shall include a status
16 report on its ~~compliance with~~ *progress pursuant to* this section *in*
17 *increasing the participation of women, minority, and disabled*
18 *veteran-owned businesses as prime contractors and subcontractors*
19 in its annual report to the Legislature *pursuant to subdivision (e)*
20 *of Section 8283.*

21 (d) Nothing in this section provides the commission with any
22 authority to order the collection of the moneys consistent with
23 Decision 11-12-035, Decision 12-05-037, or to increase the amount
24 collected through the EPIC.

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