

AMENDED IN ASSEMBLY JUNE 25, 2013

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 196**

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**Introduced by Senator Cannella**

February 7, 2013

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An act to amend Section 798.40 of the ~~Civil Code~~ *Code*, and to amend Section 739.5 of the Public Utilities Code, relating to utility rates.

LEGISLATIVE COUNSEL'S DIGEST

SB 196, as amended, Cannella. Utility rates: mobilehomes and apartment buildings.

Existing law requires a master-meter customer in a mobilehome park or apartment building, among other duties, to post in a conspicuous place, the prevailing residential utilities rate schedule as published by the serving utility.

This bill would *instead require a master-meter customer to post in a conspicuous place, the specific current residential utility rate as published by the serving utility. The bill would* authorize a master-meter customer in a mobilehome park, apartment building, or similar residential complex, as specified, to also post the Internet Web site address ~~where that utilities rate information may be accessed~~ *of the specific current residential utility rate schedule* if it also provides a copy of the schedule, upon request, at no cost, and states in the posting that an individual user may request a copy of the rate schedule from the master-meter customer.

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

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

1 SECTION 1. Section 798.40 of the Civil Code is amended to  
2 read:

3 798.40. (a) Where the management provides both master-meter  
4 and submeter service of utilities to a homeowner, for each billing  
5 period the cost of the charges for the period shall be separately  
6 stated along with the opening and closing readings for his or her  
7 meter. The management shall ~~post~~ *post*, in a conspicuous place,  
8 the ~~prevailing residential utilities~~ *specific current residential utility*  
9 rate schedule as published by the serving utility or the Internet  
10 Web site address ~~where the homeowner may access the~~ *of the*  
11 *specific current residential utility* rate schedule. If the management  
12 elects to post the Internet Web site address where the schedule  
13 may be accessed, the management shall also: (1) provide a copy  
14 of the ~~prevailing residential utilities~~ *specific current residential*  
15 *utility* rate schedule, upon request, at no cost; and (2) state in the  
16 posting that a homeowner may request a copy of the rate schedule  
17 from management.

18 (b) If a third-party billing agent or company prepares utility  
19 billing for the park, the management shall disclose on each  
20 resident's billing, the name, address, and telephone number of the  
21 billing agent or company.

22 SEC. 2. Section 739.5 of the Public Utilities Code is amended  
23 to read:

24 739.5. (a) The commission shall require that, whenever gas  
25 or electric service, or both, is provided by a master-meter customer  
26 to users who are tenants of a mobilehome park, apartment building,  
27 or similar residential complex, the master-meter customer shall  
28 charge each user of the service at the same rate that would be  
29 applicable if the user were receiving gas or electricity, or both,  
30 directly from the gas or electrical corporation. The commission  
31 shall require the corporation furnishing service to the master-meter  
32 customer to establish uniform rates for master-meter service at a  
33 level that will provide a sufficient differential to cover the  
34 reasonable average costs to master-meter customers of providing  
35 submeter service, except that these costs shall not exceed the  
36 average cost that the corporation would have incurred in providing  
37 comparable services directly to the users of the service.

1 (b) Every master-meter customer of a gas or electrical  
2 corporation subject to subdivision (a) who, on or after January 1,  
3 1978, receives any rebate from the corporation shall distribute to,  
4 or credit to the account of, each current user served by the  
5 master-meter customer that portion of the rebate which the amount  
6 of gas or electricity, or both, consumed by the user during the last  
7 billing period bears to the total amount furnished by the corporation  
8 to the master-meter customer during that period.

9 (c) An electrical or gas corporation furnishing service to a  
10 master-meter customer shall furnish to each user of the service  
11 within a submetered system every public safety customer service  
12 which it provides beyond the meter to its other residential  
13 customers. The corporation shall furnish a list of those services to  
14 the master-meter customer who shall post the list in a conspicuous  
15 place accessible to all users. Every corporation shall provide these  
16 public safety customer services to each user of electrical or gas  
17 service under a submetered system without additional charge unless  
18 the corporation has included the average cost of these services in  
19 the rate differential provided to the master-meter customer on  
20 January 1, 1984, in which case the commission shall deduct the  
21 average cost of providing these public safety customer services  
22 when approving rate differentials for master-meter customers.

23 (d) Every master-meter customer is responsible for maintenance  
24 and repair of its submeter facilities beyond the master-meter, and  
25 nothing in this section requires an electrical or gas corporation to  
26 make repairs to or perform maintenance on the submeter system.

27 (e) Every master-meter customer shall provide an itemized  
28 billing of charges for electricity or gas, or both, to each individual  
29 user generally in accordance with the form and content of bills of  
30 the corporation to its residential customers, including, but not  
31 limited to, the opening and closing readings for the meter, and the  
32 identification of all rates and quantities attributable to each block  
33 in the applicable rate structure. The master-meter customer shall  
34 also post, in a conspicuous place, the applicable ~~prevailing~~ *specific*  
35 *current* residential gas or electrical rate schedule, as published by  
36 the corporation, or the corporation's Internet Web site address  
37 ~~where the individual user may access the~~ *of the specific current*  
38 *residential gas or electrical rate* schedule. If the master-meter  
39 customer elects to post the Internet Web site address where the  
40 schedule may be accessed, the master-meter customer shall also:

1 (1) provide a copy of the ~~prevailing~~ *specific current* residential  
 2 gas or electrical rate schedule, upon request, at no cost; and (2)  
 3 state in the posting that an individual user may request a copy of  
 4 the rate schedule from the master-meter customer.

5 (f) The commission shall require that every electrical and gas  
 6 corporation shall notify each master-meter customer of its  
 7 responsibilities to its users under this section.

8 (g) The commission shall accept and respond to complaints  
 9 concerning the requirements of this section through the consumer  
 10 affairs branch, in addition to any other staff that the commission  
 11 deems necessary to assist the complainant. In responding to the  
 12 complaint, the commission shall consider the role that the office  
 13 of the county sealer in the complainant’s county of residence may  
 14 have in helping to resolve the complaint and, where appropriate,  
 15 coordinate with that office.

16 (h) Notwithstanding any other provision of law or decision of  
 17 the commission, the commission shall not deny eligibility for the  
 18 California Alternative Rates for Energy (CARE) program, created  
 19 pursuant to Section 739.1, for a residential user of gas or electric  
 20 service who is a submetered resident or tenant served by a  
 21 master-meter customer on the basis that some residential units in  
 22 the master-meter customer’s mobilehome park, apartment building,  
 23 or similar residential complex do not receive gas or electric service  
 24 through a submetered system.

25 (i) For purposes of this section, “rebate” does not include the  
 26 award of a monetary incentive under the California Solar Initiative  
 27 adopted by the Public Utilities Commission in Decision 05-12-044  
 28 and Decision 06-01-024, as modified by Article 1 (commencing  
 29 with Section 2851) of Chapter 9 of Part 2, for a solar energy system  
 30 that provides electrical generation to a mobilehome park.