

Introduced by Senator HillFebruary 12, 2016

An act to add Sections 761.1 and 761.2 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1028, as introduced, Hill. Electrical corporations: wildfire mitigation plans.

The California Constitution establishes the Public Utilities Commission, authorizes the commission to establish rules for all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the California Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. The Public Utilities Act provides the commission with broad authority over public utilities, including electrical corporations and local publicly owned electric utilities or electrical cooperatives. Existing law establishes requirements for equipment, practices, and facilities for public utilities, including standards, enforceable by the commission, for installation and maintenance of wires or cables used to conduct electricity. 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.

This bill would require each electrical corporation and each local publicly owned electric utility or electrical cooperative to construct and maintain its electric plant in a manner that would prevent it from causing a catastrophic wildfire. The bill would require each electrical corporation and each local publicly owned electric utility or electrical cooperative to annually prepare a wildfire mitigation plan. The bill would require

each electrical corporation to submit its plan to the commission and each local publicly owned electric utility or electrical cooperative to submit its plan to its governing board for approval, as specified. The bill would require the commission and the governing board to accept, accept provisionally, or reject the submitted plan, as specified. By placing additional duties upon local publicly owned electric utilities, the bill would impose a state-mandated local program. Because a violation of these provisions 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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 761.1 is added to the Public Utilities
- 2 Code, to read:
- 3 761.1. (a) For purposes of this section, the following terms
- 4 shall have the following meanings:
- 5 (1) “Electric plant” means “electric plant” as defined in Section
- 6 217.
- 7 (2) “Compliance period” means a one-year period beginning
- 8 approximately with the start of the fall fire season.
- 9 (b) Each electrical corporation shall construct and maintain its
- 10 electric plant in a manner that will prevent the electric plant from
- 11 causing a catastrophic wildfire.
- 12 (c) Each electrical corporation shall annually, on or before April
- 13 1, prepare and submit a wildfire mitigation plan for the next
- 14 compliance period to the commission for acceptance. The wildfire
- 15 mitigation plan shall include:
- 16 (1) An accounting of the responsibilities of persons responsible
- 17 for executing the plan.

- 1 (2) The objectives of the plan.
- 2 (3) A description of the preventative strategies and programs
- 3 to be adopted by the electrical corporation to minimize the risk of
- 4 its electric plant causing catastrophic wildfires.
- 5 (4) A description of the metrics the electrical corporation plans
- 6 to use to evaluate the plan’s performance and the assumptions that
- 7 underlie the use of those metrics.
- 8 (5) A discussion of how the application of previously identified
- 9 metrics to previous plan performances has informed the plan.
- 10 (6) A description of the processes and procedures the electrical
- 11 corporation will use to do the following:
- 12 (A) Monitor and audit the implementation of the plan.
- 13 (B) Identify any deficiencies in the plan or the plan’s
- 14 implementation and correct those deficiencies.
- 15 (C) Monitor and audit the effectiveness of inspections, including
- 16 inspections performed by contractors, carried out under the plan.
- 17 (7) Any other information that the commission may require.
- 18 (d) The commission shall act expeditiously, but no later than
- 19 30 days before the beginning of the compliance period, to accept,
- 20 accept provisionally, or reject the electrical corporation’s wildfire
- 21 mitigation plan.
- 22 (1) Any provisional acceptance by the commission shall state
- 23 all of the following:
- 24 (A) The period for which the provisional acceptance will be in
- 25 force.
- 26 (B) The extent to which the wildfire mitigation plan has been
- 27 accepted.
- 28 (C) Any limitations or conditions that shall apply during the
- 29 provisional acceptance period.
- 30 (2) If the commission rejects the electrical corporation’s wildfire
- 31 mitigation plan, the commission shall provide the electrical
- 32 corporation with an opportunity to resubmit a wildfire mitigation
- 33 plan within 30 days.
- 34 (3) If the commission determines that an electrical corporation
- 35 will not be able to prepare an acceptable wildfire mitigation plan
- 36 before the beginning of the compliance period, the commission
- 37 may determine the contents of the electrical corporation’s wildfire
- 38 mitigation plan.

1 (e) The commission shall conduct or contract for audits to
2 determine if an electrical corporation is satisfactorily complying
3 with its accepted wildfire mitigation plan.

4 (f) The commission may contract with an independent third
5 party to evaluate wildfire mitigation plans or to conduct audits and
6 inspections authorized by this section, and may require electrical
7 corporations to reimburse any related expenses.

8 SEC. 2. Section 761.2 is added to the Public Utilities Code, to
9 read:

10 761.2. (a) For purposes of this section, the following terms
11 shall have the following meanings:

12 (1) “Electric plant” means “electric plant” as defined in Section
13 217.

14 (2) “Compliance period” means a one-year period beginning
15 approximately with the start of the fall fire season.

16 (b) Each local publicly owned electric utility or electrical
17 cooperative shall construct and maintain its electric plant in a
18 manner that will prevent the electric plant from causing a
19 catastrophic wildfire.

20 (c) Each local publicly owned electric utility or electrical
21 cooperative shall annually prepare and submit a wildfire mitigation
22 plan for the next compliance period to its governing board for
23 acceptance.

24 (d) Each governing board of a local publicly owned electric
25 utility or electrical cooperative shall act to accept, accept
26 provisionally, or reject the wildfire mitigation plan submitted by
27 the local publicly owned electric utility or electrical cooperative.

28 SEC. 3. No reimbursement is required by this act pursuant to
29 Section 6 of Article XIII B of the California Constitution for certain
30 costs that may be incurred by a local agency or school district
31 because, in that regard, this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty for a crime
33 or infraction, within the meaning of Section 17556 of the
34 Government Code, or changes the definition of a crime within the
35 meaning of Section 6 of Article XIII B of the California
36 Constitution.

37 However, if the Commission on State Mandates determines that
38 this act contains other costs mandated by the state, reimbursement
39 to local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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