

Senate Bill No. 1838

CHAPTER 206

An act to amend Section 701.8 of the Public Utilities Code, relating to electric restructuring.

[Approved by Governor July 20, 1998. Filed with Secretary of State July 21, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1838, Kopp. Public utilities: electric restructuring: BART.

Existing law requires the Public Utilities Commission to begin providing electric utility customers direct access to electric suppliers not later than January 1, 1998, and for direct access to be completed for all customers by January 1, 2002. Existing law requires any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the San Francisco Bay Area Rapid Transit District's (BART) system, to deliver to BART preference power purchased from a federal power marketing agency or its successor.

This bill would exempt the delivery of that preference power from statutes that provide for direct transactions and from commission regulations, orders, and tariffs, that implement direct transactions, and would make related changes. The bill would authorize BART to elect to obtain electric power from multiple sources, as specified. Because, under existing law, a violation of these provisions would be a crime, the bill would impose a state-mandated local program by creating a new crime.

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 no reimbursement is required by this act for a specified reason.

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

SECTION 1. Section 701.8 of the Public Utilities Code is amended to read:

701.8. (a) To ensure that the commission regulated electric utilities do not operate their transmission and distribution monopolies in a manner that impedes the ability of the San Francisco Bay Area Rapid Transit District (BART District) to reduce its electricity cost through the purchase and delivery of preference



power, electrical corporations shall meet the requirements of this section.

(b) Any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system shall, upon request by the BART District, and without discrimination or delay, use the same facilities to deliver preference power purchased from a federal power marketing agency or its successor.

(c) Where the BART District purchases electric power at more than one location, at any voltage, from an electric utility under tariffs regulated by the commission, the utility shall bill the BART District for usage as though all the electricity purchased at transmission level voltages were metered by a single meter at one location and all the electricity purchased at subtransmission voltages were metered by a single meter at one location, provided that any billing for demand charges would be based on the coincident demand of transmission and distribution metering.

(d) If, on or after January 1, 1996, the BART District leases or has agreed to lease, as special facilities, utility plants for the purpose of receiving power at transmission level voltages, an electric utility regulated by the commission may not terminate the lease without concurrence from the BART District.

(e) When the BART District elects to have delivered pursuant to subdivision (b), preference power purchased from a federal power marketing agency, or its successor, neither Sections 365 and 366, and any commission regulations, orders, or tariffs, that implement direct transactions, are applicable, nor is the BART District an electricity supplier. Neither the commission, nor any electric utility that delivers the federal power to the BART District, shall require that an electricity supplier be designated as a condition of the delivery of that power.

(f) The BART District may elect to obtain electric power from the following multiple sources at the same time:

- (1) Electric power delivered pursuant to subdivision (b).
- (2) Electric power supplied by one or more direct transactions.
- (3) Electric power from any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

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