

Introduced by Senator Kelley

February 22, 2000

An act to amend Section 218 of the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1709, as introduced, Kelley. Public utilities: electrical corporation.

The Public Utilities Act defines electrical corporation to include every corporation or person owning, controlling, operating, or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property solely for its own use or the use of its tenants and not for sale or transmission to others. The act specifically excludes specified power producers from that definition, including a corporation or person employing landfill gas technology for the generation of electricity for certain purposes.

This bill, in addition, would exclude those corporations or persons employing digester gas technology for certain purposes from the definition of an electrical corporation.

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 218 of the Public Utilities Code
- 2 is amended to read:

1 218. (a) “Electrical corporation” includes every
2 corporation or person owning, controlling, operating, or
3 managing any electric plant for compensation within this
4 state, except where electricity is generated on or
5 distributed by the producer through private property
6 solely for its own use or the use of its tenants and not for
7 sale or transmission to others.

8 (b) “Electrical corporation” does not include a
9 corporation or person employing cogeneration
10 technology or producing power from other than a
11 conventional power source for the generation of
12 electricity solely for any one or more of the following
13 purposes:

14 (1) Its own use or the use of its tenants.

15 (2) The use of or sale to not more than two other
16 corporations or persons solely for use on the real property
17 on which the electricity is generated or on real property
18 immediately adjacent thereto, unless there is an
19 intervening public street constituting the boundary
20 between the real property on which the electricity is
21 generated and the immediately adjacent property and
22 one or more of the following applies:

23 (A) The real property on which the electricity is
24 generated and the immediately adjacent real property is
25 not under common ownership or control, or that common
26 ownership or control was gained solely for purposes of
27 sale of the electricity so generated and not for other
28 business purposes.

29 (B) The useful thermal output of the facility
30 generating the electricity is not used on the immediately
31 adjacent property for petroleum production or refining.

32 (C) The electricity furnished to the immediately
33 adjacent property is not utilized by a subsidiary or affiliate
34 of the corporation or person generating the electricity.

35 (3) Sale or transmission to an electrical corporation or
36 state or local public agency, but not for sale or
37 transmission to others, unless the corporation or person is
38 otherwise an electrical corporation.

39 (c) “Electrical corporation” does not include a
40 corporation or person employing landfill gas *technology*

1 *or digester gas* technology for the generation of
2 electricity for any one or more of the following purposes:

3 (1) Its own use or the use of not more than two of its
4 tenants located on the real property on which the
5 electricity is generated.

6 (2) The use of or sale to not more than two other
7 corporations or persons solely for use on the real property
8 on which the electricity is generated.

9 (3) Sale or transmission to an electrical corporation or
10 state or local public agency.

11 ~~(e)~~

12 (d) The amendments made to this section at the 1987
13 portion of the 1987–88 Regular Session of the Legislature
14 do not apply to any corporation or person employing
15 cogeneration technology or producing power from other
16 than a conventional power source for the generation of
17 electricity ~~which~~ *that* physically produced electricity
18 prior to January 1, 1989, and furnished that electricity to
19 immediately adjacent real property for use thereon prior
20 to January 1, 1989.

