SENATE BILL No. 1669

Introduced by Senator Kehoe

February 24, 2006

An act to add Section 380.5 to the Public Utilities Code, relating to public utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1669, as introduced, Kehoe. Electrical restructuring: resource adequacy: market-sensitive information.

(1) The California Constitution establishes the Public Utilities Commission, and provides it with jurisdiction over all public utilities. The California Constitution grants the commission certain general powers over all public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the 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 imposes various duties and responsibilities on the commission with respect to the purchase of electricity and requires the commission to review and adopt a procurement plan and a renewable energy procurement plan for each electrical corporation pursuant to the California Renewables Portfolio Standard Program.

Existing law requires the commission, in consultation with the Independent System Operator (ISO), to establish resource adequacy requirements for all load-serving entities, as defined, in accordance with specified objectives. Existing law requires the commission to implement and enforce the resource adequacy requirements in a nondiscriminatory manner. Existing law subjects each load-serving entity to the same requirements for resource adequacy and the renewables portfolio standard program that are applicable to electrical corporations by law or by order or decision of the commission.

This bill would require the commission to develop and adopt procedures it determines to be appropriate to ensure the confidentiality of any market-sensitive information submitted to the commission by load-serving entities other than electrical corporations that is contained in any filing necessary to demonstrate compliance with those resource adequacy requirements and renewables portfolio standard requirements. The bill would require the commission, in determining whether information is market-sensitive, to require load-serving entities to provide public disclosure comparable to that required of an electrical corporation submitting equivalent information. The bill would require the commission to ensure that the Division of Ratepayer Advocates and other entities representing consumer interests that are nonmarket participants are provided access to market-sensitive information under those confidentiality procedures.

(2) Under existing law, a violation of an order or direction of the commission is a crime.

The provisions of this bill would require an order or other action of the commission to implement its provisions. Because a violation of such an order or decision of the commission would be a crime, this 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.

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 380.5 is added to the Public Utilities
2 Code, to read:
3 380.5. The commission shall develop and adopt procedures it
4 determines to be appropriate to ensure the confidentiality of any
5 market-sensitive information submitted to the commission by
6 load-serving entities other than electrical corporations that is
7 contained in any filing necessary to demonstrate compliance with

the resource adequacy requirements of Section 380 and the renewables portfolio standard requirements of Article 16 (commencing with Section 399.11). In determining whether information is market-sensitive, the commission shall require load-serving entities to provide public disclosure comparable to that required of an electrical corporation submitting equivalent information. The commission shall ensure that the Division of Ratepayer Advocates and other entities representing consumer interests that are nonmarket participants are provided access to market-sensitive information under those confidentiality procedures.

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.

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