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AB-2700 Transportation electrification: electrical distribution grid upgrades. (2021-2022)

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Assembly Bill No. 2700

CHAPTER 354

An act to add Section 25328 to the Public Resources Code, and to add Sections 740.21 and 9625 to the Public Utilities Code, relating to transportation electrification.

[Approved by Governor September 16, 2022. Filed with Secretary of State September 16, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2700, McCarty. Transportation electrification: electrical distribution grid upgrades.

Under existing law, the Public Utilities Commission (PUC) has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities, as defined, are under the direction of their governing boards. Existing law, enacted as part of the Clean Energy and Pollution Reduction Act of 2015, requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the State Air Resources Board, to direct electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification to reduce dependence on petroleum, meet air quality standards, achieve the goals set forth in the Charge Ahead California Initiative, and reduce emissions of greenhouse gases to 40% below 1990 levels by 2030 and to 80% below 1990 levels by 2050. Existing law requires the Energy Commission, working with the state board and the PUC, to prepare, at least once every 2 years, a statewide assessment of the electrical vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet certain goals.

This bill would require the Energy Commission, in collaboration with the State Air Resources Board, the PUC, and other relevant stakeholders, to annually gather from state agencies, as provided, specified entities' fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors and share that data with electrical corporations and local publicly owned electric utilities to help inform electrical grid planning efforts, as specified. The bill would prohibit electrical corporations and local publicly owned electric utilities from disclosing that data to third parties. The bill would require electrical corporations and local publicly owned electric utilities, as part of their distribution planning processes, to consider the fleet data produced by the Energy Commission pursuant to this bill, and other available data, to facilitate the readiness of their distribution systems to support the state's anticipated level of electric vehicle charging, as specified.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the PUC is a crime.

Because certain provisions of this bill would be a part of the act and because a violation of an order or decision of the PUC implementing the bill's requirements 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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. (a) The Legislature finds and declares all of the following:

(1) Under existing state regulations and goals, the State Energy Resources Conservation and Development Commission and the State Air Resources Board anticipate 8,000,000 electric vehicles in California by 2030.

(2) Widespread electric vehicle charging that is strategically integrated can support the operation of the electric grid to the benefit of all utility customers.

(3) To meet the state's climate and air quality goals, especially in areas where there is a concentration of medium- and heavy-duty vehicles and other goods movement equipment, electrical corporations and local publicly owned utilities must be able to proactively plan and build electrical distribution grid upgrades necessary to accommodate the level of electric vehicle charging anticipated by the State Energy Resources Conservation and Development Commission and the State Air Resources Board.

(4) Improved strategic planning and investment by electrical corporations and local publicly owned utilities to accommodate electric vehicle charging will help achieve the state's goals, avoid delays, minimize costs, and maximize benefits.

(b) It is the policy of the state and the intent of the Legislature to encourage transportation electrification as a means to achieve ambient air quality standards and the state's climate goals.

SEC. 2. Section 25328 is added to the Public Resources Code, to read:

25328. (a) In order to achieve the state's goal of reaching 100 percent zero-emission vehicles for new passenger vehicles sales by 2035 and for medium- and heavy-duty vehicles everywhere feasible by 2045, it is the intent of the Legislature to advance zero-emission infrastructure deployment.

(b) The commission, in collaboration with the State Air Resources Board, the Public Utilities Commission, and other relevant stakeholders, shall do both of the following:

(1) Annually gather entities' fleet data from state agencies that already collect fleet data, including, but not limited to, data collected by the State Air Resources Board pursuant to its zero-emission vehicle regulations, and vehicle registration data collected by the Department of Motor Vehicles, to the extent that such data is collected by state agencies at the time. The data collected from state agencies pursuant to this paragraph shall encompass fleet data for on-road and off-road vehicles in the medium- and heavy-duty sectors of only those entities that are subject to the regulations of the State Air Resources Board, and shall include, but not be limited to, all of the following data:

(A) The total vehicle fleet or equipment size and composition, including each vehicle's fuel type, including battery electric, plug-in hybrid, or fuel cell.

(B) The physical address of the fleet's location.

(C) Information that would allow the electrical corporation or local publicly owned electric utility to estimate the total anticipated charging capacity at each fleet location.

(2) Enter into data sharing agreements with state agencies, as necessary, to facilitate the gathering of data pursuant to this section.

(c) The commission shall share the data gathered pursuant to subdivision (b) with electrical corporations and local publicly owned electric utilities to help inform electrical grid planning efforts.

(d) For data shared pursuant to subdivision (c), an electrical corporation or local publicly owned utility shall not disclose information protected pursuant to Sections 8380 and 8381 of the Public Utilities Code.

(e) For data shared pursuant to subdivision (c), an electrical corporation or local publicly owned utility shall not disclose the data to third parties for any purpose.

(f) The commission's data collection pursuant to this section is not intended to create any new or duplicate reporting requirements on behalf of fleet operators.

SEC. 3. Section 740.21 is added to the Public Utilities Code, to read:

740.21. (a) Each electrical corporation, as part of its distribution planning process, shall consider the fleet data produced by the Energy Commission pursuant to Section 25328 of the Public Resources Code, and other available data, to facilitate the readiness of their distribution systems to support the level of electric vehicle charging anticipated in its service territory by Executive Orders No. B-48-18 and N-79-20, the Energy Commission's integrated energy policy report adopted pursuant to Section 25302 of the Public Resources Code, the Energy Commission's assessment prepared pursuant to Section 25229 of the Public Resources Code, State Air Resources Board regulations, air quality management plans, regional seaport plans, regional transportation plans, and sustainable communities strategies.

(b) In its general rate case, each electrical corporation shall identify how investments made pursuant to this section will support electric vehicle deployment within its service territory. Each electrical corporation shall consider the electric vehicle deployment goals in Executive Orders No. B-48-18 and N-79-20, the Energy Commission's integrated energy policy report adopted pursuant to Section 25302 of the Public Resources Code, and the Energy Commission's assessment prepared pursuant to Section 25229 of the Public Resources Code. Each electrical corporation may also consider relevant State Air Resources Board regulations, air quality management plans, regional seaport plans, regional transportation plans, and sustainable communities strategies.

(c) In reviewing electrical corporation proposals to meet the requirements of subdivision (a), the commission shall ensure proposed investments are consistent with preparing the electrical grid for the achievement of the state's goals and regulations identified in subdivision (a).

SEC. 4. Section 9625 is added to the Public Utilities Code, to read:

9625. (a) In its relevant distribution planning process, a local publicly owned electric utility shall consider the fleet data produced by the Energy Commission pursuant to Section 25328 of the Public Resources Code, and other available data, to facilitate the readiness of their distribution systems to support the level of electric vehicle charging anticipated by Executive Orders No. B-48-18 and N-79-20, the Energy Commission's integrated energy policy report adopted pursuant to Section 25302 of the Public Resources Code, the Energy Commission's assessment prepared pursuant to Section 25229 of the Public Resources Code, and relevant State Air Resources Board regulations. The local publicly owned electric utility's consideration shall also include, as applicable and available, other local plans related to electric vehicle charging, including air quality management plans, regional seaport plans, regional transportation plans, and sustainable communities strategies.

(b) A local publicly owned electric utility shall identify any distribution investments made pursuant to this section in its integrated resource plan adopted pursuant to Section 9621.

SEC. 5. The Legislature finds and declares that Section 2 of this act, which adds Section 25328 of the Public Resources Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to protect the confidential and proprietary information of an entity subject to Section 2 of this act, it is necessary that this act limit the public's right of access to that information.

SEC. 6. 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.