

ASSEMBLY BILL

No. 1999

Introduced by Assembly Members Irwin, Addis, Berman, Connolly, Muratsuchi, Papan, Pellerin, Quirk-Silva, Ting, Ward, and Weber

(Principal coauthor: Assembly Member Bauer-Kahan)

(Principal coauthor: Senator Wiener)

(Coauthors: Assembly Members Boerner, Bonta, Friedman, Lee, Low, and Maienschein)

(Coauthor: Senator Blakespear)

January 30, 2024

An act to amend Section 739.9 of the Public Utilities Code, relating to electricity.

LEGISLATIVE COUNSEL'S DIGEST

AB 1999, as introduced, Irwin. Electricity: fixed charges.

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to adopt new, or expand existing, fixed charges, as defined, for the purpose of collecting a reasonable portion of the fixed costs of providing electrical service to residential customers.

Under existing law, the commission may authorize fixed charges for any rate schedule applicable to a residential customer account. Existing law requires the commission, no later than July 1, 2024, to authorize a fixed charge for default residential rates. Existing law requires these fixed charges to be established on an income-graduated basis, with no fewer than 3 income thresholds, so that low-income ratepayers in each baseline territory would realize a lower average monthly bill without making any changes in usage.

This bill would repeal the provisions described in the preceding paragraph. The bill would instead permit the commission to authorize fixed charges that, as of January 1, 2015, do not exceed \$5 per residential customer account per month for low-income customers enrolled in the California Alternate Rates for Energy (CARE) program and that do not exceed \$10 per residential customer account per month for customers not enrolled in the CARE program. The bill would authorize these maximum allowable fixed charges to be adjusted by no more than the annual percentage increase in the Consumer Price Index for the prior calendar year, beginning January 1, 2016.

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.

Because certain provisions of this bill would be a part of the act and therefore a violation of the bill's requirements or of a commission action implementing its requirements 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 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 739.9 of the Public Utilities Code is
2 amended to read:
3 739.9. (a) "Fixed charge" means any fixed customer charge,
4 basic service fee, demand differentiated basic service fee, demand
5 charge, or other charge not based on the volume of electricity
6 consumed.
7 (b) Increases to electrical rates and charges in rate design
8 proceedings, including any reduction in the California Alternate
9 Rates for Energy (CARE) *program* discount, shall be reasonable
10 and subject to a reasonable phase-in schedule relative to the rates
11 and charges in effect before January 1, 2014.

1 (c) Consistent with the requirements of Section 739, the
2 commission may modify the seasonal definitions and applicable
3 percentage of average consumption for one or more climatic zones.

4 (d) The commission may adopt new, or expand existing, fixed
5 charges for the purpose of collecting a reasonable portion of the
6 fixed costs of providing electrical service to residential customers.
7 The commission shall ensure that any approved charges do all of
8 the following:

9 (1) Reasonably reflect an appropriate portion of the different
10 costs of serving small and large customers.

11 (2) Not unreasonably impair incentives for conservation, energy
12 efficiency, and beneficial electrification and greenhouse gas
13 emissions reduction.

14 (3) Are set at levels that do not overburden low-income
15 customers.

16 ~~(e) (1) For the purposes of this section and Section 739.1, the~~
17 ~~commission may authorize fixed charges for any rate schedule~~
18 ~~applicable to a residential customer account. The fixed charge shall~~
19 ~~be established on an income-graduated basis with no fewer than~~
20 ~~three income thresholds so that a low-income ratepayer in each~~
21 ~~baseline territory would realize a lower average monthly bill~~
22 ~~without making any changes in usage. The commission shall, no~~
23 ~~later than July 1, 2024, authorize a fixed charge for default~~
24 ~~residential rates.~~

25 ~~(2) For purposes of this subdivision, "income-graduated" means~~
26 ~~that low-income customers pay a smaller fixed charge than~~
27 ~~high-income customers.~~

28 *(e) For purposes of this section and Section 739.1, the*
29 *commission may, beginning January 1, 2015, authorize fixed*
30 *charges that do not exceed ten dollars (\$10) per residential*
31 *customer account per month for customers not enrolled in the*
32 *CARE program and five dollars (\$5) per residential customer*
33 *account per month for customers enrolled in the CARE program.*
34 *Beginning January 1, 2016, the maximum allowable fixed charge*
35 *may be adjusted by no more than the annual percentage increase*
36 *in the Consumer Price Index for the prior calendar year. This*
37 *subdivision applies to any default rate schedule, at least one*
38 *optional tiered rate schedule, and at least one optional time-variant*
39 *rate schedule.*

1 (f) Notwithstanding the requirements of subdivision (d) of
 2 Section 739 and Section 739.7, the commission shall not apply
 3 the composite tier method to the treatment of any revenues resulting
 4 from any fixed charge adopted pursuant to this section.

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

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16 **CORRECTIONS:**

17 **Heading—Lines 4 and 7.**

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