

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2221

Introduced by Assembly Member Juan Carrillo

February 7, 2024

~~An act to amend Section 912.2 of the Public Utilities Code, relating to communications. An act to add Chapter 8 (commencing with Section 8395) to Division 4.1 of the Public Utilities Code, relating to communications.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2221, as amended, Juan Carrillo. ~~California Advanced Services Fund: reports. Broadband projects: electric power design approval.~~

Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Under existing law, the Legislature finds and declares that given the importance of broadband for public safety, public health, economic growth, education, and job creation, it is in California's best interest for public and private broadband project permits to be processed as quickly and efficiently as possible.

This bill would require an electric utility, defined as an electrical corporation or a local publicly owned electric utility, to adopt, publish, and make easily accessible to the public rules, requirements, and standards applicable to its applications for approval of an electric power design related to the construction and operation of a broadband project, as defined. The bill would require an electric utility to approve or deny a complete application within 45 days, and, if the application is incomplete, would require the electric utility to provide written notice

within 10 days to the applicant that the application is incomplete and would establish a timeline and process by which the application could be made complete, as specified. If an application is approved, the bill would require the electric utility, within 14 days, to provide the applicant with a cost estimate, if applicable, for any necessary work required to accommodate the electric power design described in the application. If the applicant accepts the cost estimate within 45 days, the bill would require the electric utility to complete energization to the broadband project location within 30 days, as specified. The bill would prohibit an application from being subject to any rule, requirement, or standard that has not been published and made easily accessible to the public 12 months before the date of the application's submittal to an electric utility for review.

Under existing law, a violation of any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because a violation of a commission action implementing this bill's requirements would be a crime, the bill would impose a state-mandated local program.

Additionally, by imposing new duties on local publicly owned electric utilities, 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 specified reasons.

~~Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to develop, implement, and administer the California Advanced Services Fund program to encourage the deployment of high-quality advanced communications services to all Californians that will promote economic growth, job creation, and the substantial social benefits of advanced information and communications technologies, as specified. Existing law requires the commission, on or before April 1, 2023, and biennially thereafter, to conduct a fiscal and performance audit of the implementation and effectiveness of the program to ensure that funds have been expended in accordance with the approved terms of the grant awards and loan agreements and to report its findings to the Legislature.~~

~~This bill would make a nonsubstantive change to that reporting requirement.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. Chapter 8 (commencing with Section 8395) is
2 added to Division 4.1 of the Public Utilities Code, to read:

3
4 CHAPTER 8. BROADBAND PROJECTS
5

6 8395. For purposes of this chapter, the following definitions
7 apply:

8 (a) "Application" means a written request, application, or other
9 document submitted by a broadband provider to an electrical
10 corporation or local publicly owned electric utility for approval
11 of an electric power design related to the construction and
12 operation of a broadband project.

13 (b) "Broadband project" means a proposed broadband facility,
14 including the support structure and any supporting equipment
15 necessary for operation of the proposed broadband facility. A
16 broadband project may comprise one or more components,
17 including, but not limited to, a wireless facility, a fiber optic
18 connection, and other supporting equipment, each of which may
19 require a separate permit or authorization.

20 (c) "Days" means calendar days.

21 (d) "Electric utility" means an electrical corporation or a local
22 publicly owned electric utility.

23 (e) "Electrical corporation" has the same meaning as that term
24 is defined in Section 218.

25 (f) "Local publicly owned electric utility" has the same meaning
26 as that term is defined in Section 224.3.

27 (g) "Submittal" means the delivery or proffer of an application
28 to an electrical corporation or a local publicly owned electric
29 utility.

30 8396. (a) An electric utility shall adopt, publish, and make
31 easily accessible to the public, including an applicant, all rules,
32 requirements, and standards applicable to applications submitted
33 to the electric utility. An application shall not be subject to any

1 rule, requirement, or standard that has not been published and
2 made easily accessible to the public 12 months before the date of
3 the application's submittal to an electric utility for review.

4 (b) (1) (A) An electric utility shall approve or deny a complete
5 application within 45 days of the date of the application's
6 submittal, consistent with subdivision (d). An application that is
7 not approved or denied within that time period shall be deemed
8 approved as a matter of law.

9 (B) All timelines established by this section, including in
10 subparagraph (A), may be extended or otherwise modified upon
11 written, mutual agreement of the electric utility and the applicant.

12 (2) If an application is denied, the denial shall be in writing
13 and include the reason for the denial and how the application
14 could be revised in order to be subsequently approved.

15 (c) (1) If an application is approved, within 14 days of that
16 approval, the electric utility shall provide the applicant with a cost
17 estimate, if applicable, based on actual cost, for any necessary
18 work required to accommodate the electric power design described
19 in the application. The applicant shall accept or reject the cost
20 estimate within 45 days.

21 (2) Following acceptance of the cost estimate, the electric utility
22 shall complete energization to the broadband project location
23 within 30 days of receiving notice of the applicant's completion
24 of all required construction, inspections, or other approvals
25 required by the electric utility or other authority.

26 (d) (1) If an electric utility cannot approve or deny an
27 application within the timeframe established in subdivision (b)
28 because the application is incomplete, the electric utility shall
29 provide written notice to the applicant that the application is
30 incomplete within 10 days of the application's submittal. An
31 applicant shall have 30 days from the date of the written notice of
32 incompleteness to correct and resubmit the application. The
33 resubmitted application shall not be subject to any additional
34 application or processing fees. If the applicant does not submit a
35 corrected application within 30 days from the date of the written
36 notice of incompleteness, the application shall be canceled.

37 (2) A written notice of incompleteness shall specify every item
38 and any information missing from the application and shall cite
39 the specific published rule, requirement, or standard that states

1 *that the missing item or information is required to make the*
2 *application complete.*

3 *(3) If an electric utility deems an application incomplete and*
4 *complies with the requirements of paragraphs (1) and (2), the time*
5 *period specified in subdivision (b) shall be tolled beginning on the*
6 *date the electric utility issues the written notice of incompleteness.*

7 *(4) On the date of an applicant's submittal of the requested*
8 *supplemental item or information described in the written notice*
9 *of incompleteness, the time period specified in subdivision (b) shall*
10 *resume.*

11 *(5) If an electric utility does not provide written notice to an*
12 *applicant that its application is incomplete within the 10-day period*
13 *established in paragraph (1), the time period for approving or*
14 *denying the application shall not be tolled.*

15 *(6) Upon submittal of a corrected application, the electric utility*
16 *may issue subsequent written notices of incompleteness if the*
17 *application remains incomplete. Subsequent notices shall identify*
18 *which of the previously requested items or information remain*
19 *missing from the application. A subsequent written notice of*
20 *incompleteness shall not include new items or information outside*
21 *the scope of the original written notice of incompleteness.*

22 *(e) If an electric utility is unable to process a complete*
23 *application within the applicable time period pursuant to*
24 *subdivision (b), the electric utility shall provide written notice to*
25 *the applicant upon the application's submittal and propose a plan*
26 *for complying with the applicable time period. If the electric utility*
27 *is limited in its ability to process an application because of its*
28 *limited resources, the electric utility shall work with the applicant,*
29 *in good faith, to resolve the resource limitations, which may*
30 *include, but is not limited to, the applicant's provision of*
31 *supplemental resources.*

32 *SEC. 2. No reimbursement is required by this act pursuant to*
33 *Section 6 of Article XIII B of the California Constitution because*
34 *a local agency or school district has the authority to levy service*
35 *charges, fees, or assessments sufficient to pay for the program or*
36 *level of service mandated by this act or because costs that may be*
37 *incurred by a local agency or school district will be incurred*
38 *because this act creates a new crime or infraction, eliminates a*
39 *crime or infraction, or changes the penalty for a crime or*
40 *infraction, within the meaning of Section 17556 of the Government*

1 *Code, or changes the definition of a crime within the meaning of*
2 *Section 6 of Article XIII B of the California Constitution.*

3 ~~SECTION 1. Section 912.2 of the Public Utilities Code is~~
4 ~~amended to read:~~

5 ~~912.2. On or before April 1, 2023, and biennially thereafter,~~
6 ~~the commission shall conduct a fiscal and performance audit of~~
7 ~~the implementation and effectiveness of the California Advanced~~
8 ~~Services Fund to ensure that funds have been expended in~~
9 ~~accordance with the approved terms of the grant awards and loan~~
10 ~~agreements pursuant to Section 281 or 281.2 and shall report its~~
11 ~~findings to the Legislature. The reports shall include an update to~~
12 ~~the maps in the final report of the California Broadband Task Force~~
13 ~~and data on the types and numbers of jobs created as a result of~~
14 ~~the program administered by the commission pursuant to Section~~
15 ~~281 or 281.2 and shall include the information specified in Section~~
16 ~~914.7.~~