



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
February 25, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Susan Wengraf, Mayor Jesse Arreguin, and Councilmembers Sophie Hahn and Kate Harrison

Subject: Support for SB-431, SB-801 and SB-802 (McGuire and Glazer)

RECOMMENDATION

Adopt a resolution in support of three bills which aim to protect people whose lives could be endangered without use of needed electrical resources during PG&E's Public Safety Power Shut-offs. Send the resolution to California Senators Mike McGuire, Steve Glazer, Nancy Skinner and Buffy Wicks. The bills are:

- 1) [SB-431](#) Mobile telephony service base transceiver station towers: performance reliability standards (McGuire & Glazer)
- 2) [SB-801](#) Electrical corporations: wildfire mitigation plans: deenergization: public safety protocol (McGuire & Glazer)
- 3) [SB-802](#) Emergency backup generators: health facilities: permit operating condition exclusion (Glazer)

FINANCIAL IMPLICATIONS

None

BACKGROUND

PG&E and other utilities are working to improve their ability to provide power without fire risk during high wind and low moisture conditions. In the meantime, PG&E will continue to impose the Public Safety Power Shut-off program. These bills are vital to help residents deal with power outages.

SB-431 will require mobile phone companies to provide at least 72 hours of back-up power on their towers. Cell phones are lifelines in emergencies. Californians learned during the Public Safety Power Shut Offs that many cell towers were inoperable, leaving large numbers of people without access to receiving emergency notifications, or the ability to call for help.

SB-801 will require that utilities provide back-up battery packs to **all** customers whose lives would be endangered by an extended, deliberate power outage. PG&E alone has over 10,000 people signed up for the “medical baseline” designation, meaning they depend on electricity for their health. However PG&E had only about 500 back-up battery packs to distribute to their medical baseline customers during last years’ Public Safety Power Shut-offs, just a tiny percentage of the need. This legislation will mandate PG&E to provide emergency power to those whose lives depend on it.

SB-802 clarifies state laws and regulations so that hospitals don’t need to shut down generators during an extended outage. Hospitals are currently allowed to run their diesel-powered generators without limits during a declared disaster. But most local air pollution districts have limits on how many hours a generator can run. Many hospitals are concerned that those limits apply even during a Public Safety Power Shut-off. Hospitals need to run their generators so they can take care of patients without fearing fines or other air quality regulation penalties.

ENVIRONMENTAL SUSTAINABILITY

Protecting people whose lives could be endangered without use of needed electrical resources supports the city’s efforts to provide a healthy and environmentally sustainable community.

CONTACT PERSON

Councilmember Wengraf

Council District 6

510-981-7160

Attachments:

- 1: Resolution
- 2: SB-431
- 3: SB-801
- 4: SB-802

RESOLUTION NO. ##,###-N.S.

City of Berkeley Supports SB-431, SB-801 and SB-802

WHEREAS, PG&E's Public Safety Shut-offs have demonstrated the need for legislation to protect lives that could be endangered without access to electrical resources: and

WHEREAS, SB-801 requires all California utility companies to provide back-up battery packs to all customers whose lives would be endangered by an extended, deliberate power outage; and

WHEREAS, SB-802 clarifies that hospitals can run back-up diesel generators for the duration of a planned utility power shut-off even if the governor has not declared a disaster or state emergency; and

WHEREAS, SB-431 requires mobile phone companies to provide at least 72 hours of back-up power on their towers, and

WHEREAS, SB 801, SB 802 and SB 431 are critical state bills that will help protect Berkeley residents during PG&E's Public Safety Shut-offs and during other emergencies.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it fully supports Senators Steve Glazer and Mike McGuire's bills: SB-801 Electrical corporations: wildfire mitigation plans: deenergization: public safety protocol; SB-802 Emergency backup generators: health facilities; permit operating condition exclusion; and SB-431 Mobile telephony service base transceiver station towers: performance reliability standards.

AMENDED IN ASSEMBLY JUNE 12, 2019

SENATE BILL No. 431

Introduced by Senator McGuire

February 21, 2019

An act to ~~amend Section 2146 of the Elections Code,~~ *add Section 776.2 to the Public Utilities Code,* relating to ~~elections.~~ *communications.*

legislative counsel's digest

SB 431, as amended, McGuire. ~~Elections: voter registration forms.~~ *Mobile telephony service base transceiver station towers: performance reliability standards.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law requires the commission to develop and implement performance reliability standards for backup power systems installed on the property of residential and small commercial customers by a facilities-based provider of telephony services upon determining that the benefits of the standards exceed the costs.

This bill would require the commission, in consultation with the Office of Emergency Services, to develop and implement performance reliability standards, as specified, for all mobile telephony service base transceiver station towers, commonly known as "cell towers," located within a commission-designated Tier 2 or Tier 3 High Fire Threat District.

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 the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission

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implementing its 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.

~~Existing law requires the Secretary of State to annually provide every high school, community college, and California State University and University of California campus with voter registration forms, and to provide additional forms to a school, free of charge, if so requested by the school.~~

~~This bill would require the Secretary of State to provide additional forms requested by a school within 30 days.~~

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. Section 776.2 is added to the Public Utilities
2 Code, to read:
3 776.2. (a) The commission, in consultation with the Office of
4 Emergency Services, shall develop and implement performance
5 reliability standards for all mobile telephony service base
6 transceiver station towers located within a commission-designated
7 Tier 2 or Tier 3 High Fire Threat District. Those standards shall
8 do both of the following:
9 (1) Establish a minimum operating life for backup power systems
10 of no less than 48 hours.
11 (2) Establish means to warn a customer when the backup power
12 system is low or when the transceiver system can no longer be
13 supported by the backup power system.
14 (b) In developing and implementing any standards pursuant to
15 subdivision (a), the commission shall consider current best
16 practices and technical feasibility for establishing backup power
17 system requirements.
18 (c) The commission shall collect data necessary to identify the
19 mobile telephony service base transceiver station infrastructure

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1 *that shall be subject to the performance reliability standards*
2 *adopted pursuant to subdivision (a).*

3 *(d) The commission may require a mobile telephony services*
4 *provider to collect and forward to the commission any relevant*
5 *information that may be useful to the commission's development*
6 *or implementation of performance reliability standards pursuant*
7 *to this section.*

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

17 ~~SECTION 1. Section 2146 of the Elections Code is amended~~
18 ~~to read:~~

19 ~~2146. (a) The Secretary of State shall annually provide every~~
20 ~~high school, community college, and California State University~~
21 ~~and University of California campus with voter registration forms.~~
22 ~~The Secretary of State shall provide additional forms to a school,~~
23 ~~free of charge, within 30 days of receiving a request for additional~~
24 ~~forms.~~

25 ~~(b) The Secretary of State shall provide a written notice with~~
26 ~~each registration form describing eligibility requirements and~~
27 ~~informing each student that they may return the completed form~~
28 ~~in person or by mail to the elections official of the county in which~~
29 ~~the student resides or to the Secretary of State.~~

30 ~~(c) (1) (A) Every community college and California State~~
31 ~~University campus that operates an automated class registration~~
32 ~~system on or before January 1, 2008, shall, through an automated~~
33 ~~program, in coordination with the Secretary of State, permit~~
34 ~~students, during the class registration process, to apply to register~~
35 ~~to vote online by submitting an affidavit of voter registration~~
36 ~~electronically on the internet website of the Secretary of State.~~

37 ~~(B) A community college or California State University campus~~
38 ~~that does not operate an automated class registration system on or~~
39 ~~before January 1, 2008, shall, within two years of implementing~~
40 ~~an automated class registration system, through an automated~~

1 program in coordination with the Secretary of State, permit
 2 students, during the class registration process, to apply to register
 3 to vote online by submitting an affidavit of voter registration
 4 electronically on the internet website of the Secretary of State.

5 (2) As soon as a community college or California State
 6 University or University of California campus complies with
 7 paragraph (1), the Secretary of State may continue, at their
 8 discretion, to provide the campus with voter registration forms
 9 unless the campus requests not to receive the voter registration
 10 forms.

11 (3) The University of California is encouraged to comply with
 12 this subdivision.

13 (d) The Secretary of State shall submit to the Legislature, on or
 14 before January 1 of each year, a report on its student voter
 15 registration efforts pursuant to this article. This report shall include
 16 estimates as to how many voter registration forms were sent to
 17 high schools, community colleges, and California State University
 18 and University of California campuses; how many voter registration
 19 forms were submitted; and how many electronic affidavits of voter
 20 registration were submitted by students pursuant to subdivision
 21 (c).

22 (e) It is the intent of the Legislature that every eligible high
 23 school and college student receive a meaningful opportunity to
 24 apply to register to vote. It is also the intent of the Legislature that
 25 every school do all in its power to ensure that students are provided
 26 the opportunity and means to apply to register to vote. This may
 27 include providing voter registration forms at the start of the school
 28 year, including voter registration forms with orientation materials;
 29 placing voter registration forms at central locations, including voter
 30 registration forms with graduation materials; or providing
 31 hyperlinks to, and the internet website address of, the Secretary
 32 of State's electronic voter registration system in notices sent by
 33 electronic mail to students and placed on the internet website of
 34 the high school, college, or university.

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SENATE BILL No. 801

Introduced by Senators Glazer and McGuire

(Principal coauthor: Assembly Member Bauer-Kahan)

(Coauthors: Senators Dodd, Hill, Nielsen, Stern, and Wilk)

January 7, 2020

An act to amend Section 8386 of the Public Utilities Code, relating to electricity.

legislative counsel's digest

SB 801, as introduced, Glazer. Electrical corporations: wildfire mitigation plans: deenergization: public safety protocol.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plans. Existing law requires a wildfire mitigation plan of an electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety. As part of these protocols, an electrical corporation is required to include protocols related to mitigating the public safety impacts of deenergizing portions of the electrical distribution system that consider customers that receive medical baseline allowances. Existing law authorizes an electrical corporation to deploy backup electrical resources or provide financial assistance for backup electrical resources to a customer receiving a medical baseline allowance if the customer meets specified conditions. This bill would require an electrical corporation to deploy backup electrical resources or provide financial assistance for backup electrical

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resources to a customer receiving a medical baseline allowance if the customer meets those conditions.

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

Because this bill would add additional requirements to an electrical corporation’s wildfire mitigation plan that would be approved and overseen by the commission and because a violation of an order or decision of the commission implementing its 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.

State-mandated local program: yes.

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

20 SECTION 1. Section 8386 of the Public Utilities Code is
 21 amended to read:
 22 8386. (a) Each electrical corporation shall construct, maintain,
 23 and operate its electrical lines and equipment in a manner that will
 24 minimize the risk of catastrophic wildfire posed by those electrical
 25 lines and equipment.
 26 (b) Each electrical corporation shall annually prepare and submit
 27 a wildfire mitigation plan to the Wildfire Safety Division for review
 28 and approval. In calendar year 2020, and thereafter, the plans shall
 29 cover at least a three-year period. The division shall establish a
 30 schedule for the submission of subsequent comprehensive wildfire
 31 mitigation plans, which may allow for the staggering of compliance
 32 periods for each electrical corporation. In its discretion, the division
 33 may allow the annual submissions to be updates to the last
 34 approved comprehensive wildfire mitigation plan; provided, that
 35 each electrical corporation shall submit a comprehensive wildfire
 36 mitigation plan at least once every three years.
 37 (c) The wildfire mitigation plan shall include all of the
 38 following:

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41 (1) An accounting of the responsibilities of persons responsible
42 for executing the plan.

43 (2) The objectives of the plan.

44 (3) A description of the preventive strategies and programs to
45 be adopted by the electrical corporation to minimize the risk of its
46 electrical lines and equipment causing catastrophic wildfires,
47 including consideration of dynamic climate change risks.

48 (4) A description of the metrics the electrical corporation plans
49 to use to evaluate the plan's performance and the assumptions that
50 underlie the use of those metrics.

51 (5) A discussion of how the application of previously identified
52 metrics to previous plan performances has informed the plan.

53 (6) Protocols for disabling reclosers and deenergizing portions
54 of the electrical distribution system that consider the associated
55 impacts on public safety. As part of these protocols, each electrical
56 corporation shall include protocols related to mitigating the public
57 safety impacts of disabling reclosers and deenergizing portions of
58 the electrical distribution system that consider the impacts on all
59 of the following:

60 (A) Critical first responders.

61 (B) Health and communication infrastructure.

62 (C) Customers who receive medical baseline allowances
63 pursuant to subdivision (c) of Section 739. The electrical
64 corporation ~~may~~ shall deploy backup electrical resources or provide
65 financial assistance for backup electrical resources to a customer
66 receiving a medical baseline allowance for a customer who meets
67 all of the following requirements:

68 (i) The customer relies on life-support equipment that operates
69 on electricity to sustain life.

70 (ii) The customer demonstrates financial need, including through
71 enrollment in the California Alternate Rates for Energy program
72 created pursuant to Section 739.1.

73 (iii) The customer is not eligible for backup electrical resources
74 provided through medical services, medical insurance, or
75 community resources.

76 (D) Subparagraph (C) shall not be construed as preventing an
77 electrical corporation from deploying backup electrical resources
78 or providing financial assistance for backup electrical resources
79 under any other authority.

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21 (7) Appropriate and feasible procedures for notifying a customer
22 who may be impacted by the deenergizing of electrical lines,
23 including procedures for those customers receiving a medical
24 baseline allowance as described in paragraph (6). The procedures
25 shall direct notification to all public safety offices, critical first
26 responders, health care facilities, and operators of
27 telecommunications infrastructure with premises within the
28 footprint of potential deenergization for a given event.

29 (8) Plans for vegetation management.

30 (9) Plans for inspections of the electrical corporation's electrical
31 infrastructure.

32 (10) Protocols for the deenergization of the electrical
33 corporation's transmission infrastructure, for instances when the
34 deenergization may impact customers who, or entities that, are
35 dependent upon the infrastructure.

36 (11) A list that identifies, describes, and prioritizes all wildfire
37 risks, and drivers for those risks, throughout the electrical
38 corporation's service territory, including all relevant wildfire risk
39 and risk mitigation information that is part of the Safety Model
40 Assessment Proceeding and the Risk Assessment Mitigation Phase
41 filings. The list shall include, but not be limited to, both of the
42 following:

43 (A) Risks and risk drivers associated with design, construction,
44 operations, and maintenance of the electrical corporation's
45 equipment and facilities.

46 (B) Particular risks and risk drivers associated with topographic
47 and climatological risk factors throughout the different parts of
48 the electrical corporation's service territory.

49 (12) A description of how the plan accounts for the wildfire risk
50 identified in the electrical corporation's Risk Assessment
51 Mitigation Phase filing.

52 (13) A description of the actions the electrical corporation will
53 take to ensure its system will achieve the highest level of safety,
54 reliability, and resiliency, and to ensure that its system is prepared
55 for a major event, including hardening and modernizing its
56 infrastructure with improved engineering, system design, standards,
57 equipment, and facilities, such as undergrounding, insulation of
58 distribution wires, and pole replacement.

59 (14) A description of where and how the electrical corporation
60 considered undergrounding electrical distribution lines within those

35 areas of its service territory identified to have the highest wildfire
36 risk in a commission fire threat map.

37 (15) A showing that the electrical corporation has an adequately
38 sized and trained workforce to promptly restore service after a
39 major event, taking into account employees of other utilities
40 pursuant to mutual aid agreements and employees of entities that
41 have entered into contracts with the electrical corporation.

42 (16) Identification of any geographic area in the electrical
43 corporation's service territory that is a higher wildfire threat than
44 is currently identified in a commission fire threat map, and where
45 the commission should consider expanding the high fire threat
46 district based on new information or changes in the environment.

47 (17) A methodology for identifying and presenting
48 enterprisewide safety risk and wildfire-related risk that is consistent
49 with the methodology used by other electrical corporations unless
50 the commission determines otherwise.

51 (18) A description of how the plan is consistent with the
52 electrical corporation's disaster and emergency preparedness plan
53 prepared pursuant to Section 768.6, including both of the following:

54 (A) Plans to prepare for, and to restore service after, a wildfire,
55 including workforce mobilization and prepositioning equipment
56 and employees.

57 (B) Plans for community outreach and public awareness before,
58 during, and after a wildfire, including language notification in
59 English, Spanish, and the top three primary languages used in the
60 state other than English or Spanish, as determined by the
61 commission based on the United States Census data.

62 (19) A statement of how the electrical corporation will restore
63 service after a wildfire.

64 (20) Protocols for compliance with requirements adopted by
65 the commission regarding activities to support customers during
66 and after a wildfire, outage reporting, support for low-income
67 customers, billing adjustments, deposit waivers, extended payment
68 plans, suspension of disconnection and nonpayment fees, repair
69 processing and timing, access to electrical corporation
70 representatives, and emergency communications.

71 (21) A description of the processes and procedures the electrical
72 corporation will use to do all of the following:

73 (A) Monitor and audit the implementation of the plan.

(B) Identify any deficiencies in the plan or the plan's

2 implementation and correct those deficiencies.

3 (C) Monitor and audit the effectiveness of electrical line and
4 equipment inspections, including inspections performed by
5 contractors, carried out under the plan and other applicable statutes
6 and commission rules.

7 (22) Any other information that the Wildfire Safety Division
8 may require.

9 (d) The Wildfire Safety Division shall post all wildfire
10 mitigation plans and annual updates on the commission's internet
11 website for no less than two months before the division's decision
12 regarding approval of the plan. The division shall accept comments
13 on each plan from the public, other local and state agencies, and
14 interested parties, and verify that the plan complies with all
15 applicable rules, regulations, and standards, as appropriate.

16 SEC. 2. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

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SENATE BILL No. 802**Introduced by Senator Glazer**

(Principal coauthor: Assembly Member Bauer-Kahan)

(Coauthors: Senators Dodd, Hill, Nielsen, and Wilk)

January 7, 2020

An act to add Article 9.3 (commencing with Section 42000) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, and to amend Section 8385 of, and to add Section 8386.7 to, the Public Utilities Code, relating to nonvehicular air pollution.

legislative counsel's digest

SB 802, as introduced, Glazer. Emergency backup generators: health facilities: permit operating condition exclusion.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would require an air district to adopt a rule or revise its existing rules, consistent with federal law, to allow a health facility that has received a permit from the district to construct and operate an emergency backup generator to use that emergency backup generator during a deenergization event without having that usage count toward any time limitation on actual usage and routine testing and maintenance included as a condition for issuance of that permit. By requiring air

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districts to adopt or revise its rules, the bill would impose a state-mandated local program.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations, while local publicly owned electric utilities are under the direction of their governing boards. Electrical cooperatives are subject to the regulatory authority of the commission, except as specified. Existing law requires each electrical corporation to annually prepare and submit a wildfire mitigation plan to the commission for review and approval, as specified. Following approval, the commission is required to oversee compliance with the plans. Existing law requires each local publicly owned electric utility and electrical cooperative to annually prepare a wildfire mitigation plan and to verify that the wildfire mitigation plan complies with all applicable rules, regulations, and standards, as appropriate. Existing law requires a wildfire mitigation plan of an

electrical corporation to include, among other things, protocols for deenergizing portions of the electrical distribution system that consider the associated impacts on public safety, as well as protocols related to mitigating the public safety impacts of those protocols, including impacts on critical first responders and on health and communications infrastructure. Existing law requires a wildfire mitigation plan of an electrical corporation to also include appropriate and feasible procedures for notifying a customer who may be impacted by the deenergizing of electrical lines and requires these procedures to consider the need to notify, as a priority, critical first responders, health care facilities, and operators of telecommunications infrastructure with premises within the footprint of a potential deenergization event. Existing law requires that an electrical cooperative and a local publicly owned electric utility consider these matters when developing and implementing a wildfire mitigation plan.

If an electrical corporation, electrical cooperative, or local publicly owned electric utility has undertaken a deenergization event during a calendar year, this bill would require the electrical corporation, electrical cooperative, or local publicly owned electric utility, by January 30 of the following calendar year, to submit a report with specified information to each air quality management district and air pollution control district affected by the deenergization event.

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

Because this bill would require action by the commission to implement its requirements, and a violation of that action would be a crime, the

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bill would impose a state-mandated local program by creating a new crime. By requiring local publicly owned electric utilities to report matters to air quality management districts and air pollution control districts 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 with regard to certain mandates no reimbursement is required by this act for specified reasons.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

39 SECTION 1. Article 9.3 (commencing with Section 42000) is
40 added to Chapter 3 of Part 4 of Division 26 of the Health and Safety
41 Code, to read:

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5 Article 9.3. Emergency Backup Generators 6

80 42000. For purposes of this article, the following terms apply:

81 (a) “Deenergization event” means the proactive interruption of
82 electrical service for the purpose of mitigating or avoiding the risk
83 of causing a wildfire.

84 (b) “Electrical corporation” has the same meaning as defined
85 in Section 218 of the Public Utilities Code.

86 (c) “Emergency backup generator” means a device used for the
87 generation of electricity for emergency use that is subject to the
88 State Air Resources Board’s Airborne Toxic Control Measure for
89 Stationary Compression Ignition Engines (Section 93115.1 of Title
90 17 of the California Code of Regulations, and following). For these
91 purposes, “emergency use” has the same meaning as defined in
92 Section 93115.4 of Title 17 of the California Code of Regulations.

93 (d) “Health facility” has the same meaning as defined in
Section 21 1250.

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61 (e) “Local publicly owned electric utility” has the same meaning
62 as defined in Section 224.3 of the Public Utilities Code.

63 (f) “Permit” means a permit issued by the district pursuant to
64 Article 1 (commencing with Section 42300) of Chapter 4.

65 42001. Consistent with federal law, a district shall adopt a rule,
66 or revise its existing rules, to allow a health facility that has
67 received a permit from the district to construct and operate an
68 emergency backup generator to use that emergency backup
69 generator during a deenergization event without having that usage
70 count toward any time limitation on actual usage and routine testing
71 and maintenance included as a condition for issuance of that permit.
72 For a health facility that receives notice of a planned deenergization
73 event, whether made specifically to the facility or made generally
74 to the public, the period of permissible use exempt from the time
75 limitation on actual usage shall encompass the period commencing
76 when the health facility is notified that the deenergization will or
77 will likely commence, and concluding when the health facility
78 receives notification, whether specific or general, that reliable
79 electrical service has been restored.

80 SEC. 2. Section 8385 of the Public Utilities Code is amended
81 to read:

82 8385. (a) For purposes of this chapter, the following shall
83 apply:

84 (1) “Compliance period” means a period of approximately one
85 year.

86 (2) “Deenergization event” means the proactive interruption
87 of electrical service for the purpose of mitigating or avoiding the

88 *risk of causing a wildfire.*

29 (2)

74 (3) "Electrical cooperative" has the same meaning as defined
75 in Section 2776.

76 (b) The commission shall supervise an electrical corporation's
77 compliance with the requirements of this chapter pursuant to the
78 Public Utilities Act (Part 1 (commencing with Section 201) of
79 Division 1). Nothing in this chapter affects the commission's
80 authority or jurisdiction over an electrical cooperative or local
81 publicly owned ~~electrical corporation.~~ *electric utility.*

82 SEC. 3. Section 8386.7 is added to the Public Utilities Code,
83 to read:

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8386.7. If an electrical corporation, electrical cooperative, or
25 local publicly owned electric utility has undertaken a
26 deenergization event during a calendar year, the electrical utility
27 shall submit a report, by January 30 of the following calendar year,
28 to each air quality management district and air pollution control
29 district affected by the deenergization event that includes all of
30 the following:

31 (a) A description of the area affected by the deenergization
32 event.

33 (b) A description of when the deenergization event began and
34 when reliable electrical service was restored.

35 (c) A description of any notifications specifically provided to
36 health care facilities that they would or would likely be affected
37 by a deenergizing of electrical lines and when the deenergization
38 event would likely begin or, absent specific notification, any
39 notifications made generally to the public of when the
40 deenergization event would or would likely commence.

41 (d) A description of any notifications specifically provided to
42 health care facilities that reliable electrical service has been restored
43 or, absent specific notification, any notifications made generally
44 to the public that reliable electrical service has been restored.

45 SEC. 4. No reimbursement is required by this act pursuant to
46 Section 6 of Article XIII B of the California Constitution for certain
47 mandates because a local agency or school district has the authority
48 to levy service charges, fees, or assessments sufficient to pay for
49 the program or level of service mandated by this act or because
50 costs that may be incurred by a local agency or school district will
51 be incurred because this act creates a new crime or infraction,
52 eliminates a crime or infraction, or changes the penalty for a crime
53 or infraction, within the meaning of Section 17556 of the
54 Government Code, or changes the definition of a crime within the
55 meaning of Section 6 of Article XIII B of the California
56 Constitution.

57 With respect to other mandates, if the Commission on State
58 Mandates determines that this act contains costs mandated by the
59 state, reimbursement to local agencies and school districts for those
60 costs shall be made pursuant to Part 7 (commencing with Section
61 17500) of Division 4 of Title 2 of the Government Code.

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