An act to add Section 25231.7 to the Public Resources Code, and to add Sections 740.22 and Section 913.16 to the Public Utilities Code, relating to transportation electrification.

LEGISLATIVE COUNSEL'S DIGEST


Existing law vests the Public Utilities Commission (PUC) with regulatory authority over all public utilities, including electrical corporations: requires the State Energy Resources Conservation and Development Commission (Energy Commission) to undertake various actions in furtherance of meeting the state’s clean energy and pollution reduction objectives, including actions related to electric vehicles. Existing law requires the Energy Commission, working with the State Air Resources Board (state board) and the Public Utilities Commission (PUC), to prepare a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030, and of reducing the emissions of greenhouse gases to 40% below 1990 levels by 2030. Existing law requires the PUC, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission), the State Air Resources Board, Commission, state board, electrical corporations, and the motor vehicle industry, to evaluate
policies to develop infrastructure sufficient to overcome any barriers
to the widespread deployment and use of plug-in hybrid and electric
vehicles. Existing law requires the PUC, by December 31, 2020, to
establish strategies and quantifiable metrics to maximize the use of
feasible and cost-effective electric vehicle grid integration by January
1, 2030.

This bill would require the PUC, Energy Commission, in consultation
with the Energy Commission, State Air Resources Board, PUC, state
board, and California Integrated Travel Project, to require each electrical
corporation, on or before July 1, 2024, operator of a publicly available
electric vehicle charging station that elects to participate or receives
money from a state program, state agency, county, municipality,
electrical corporation, or community choice aggregator to deploy a
publicly available electric vehicle charging station to establish a
Discounted Electric Vehicle Charging Payment Card Program that
would enable an eligible resident, as defined, to use a any of the
operator’s publicly available electric vehicle charging stations located
anywhere in the state through using a payment card developed by the electrical
corporation in order to pay a rate equivalent to the rate that would be paid by
the eligible resident if they were using an at-home electric vehicle charging
station at their residence, as specified. The bill would require that the rate charged for the use of
a publicly available electric vehicle charging station pursuant to a
program be equivalent to the residential electric vehicle tariff rate, or
the lowest electricity rate offered to ratepayers who own electric
vehicles, by the utility with jurisdiction over the service area in which
the charging station is located, as specified. The bill would require the
Energy Commission, on or before March 1, 2025, and annually
thereafter, to prepare and submit to the Governor and Legislature a
report that includes specified information relating to the programs, and
would authorize the Energy Commission to require those operators to
submit relevant information for purposes of the report to provide
oversight of the programs.

The bill would require the PUC, on or before April 1, 2025, and
annually thereafter, to prepare and submit to the Governor and the
Legislature a written report on the programs. The bill would require the
PUC's Low-Income Oversight Board to Board, on or before January
1, 2025, and annually determine thereafter, to submit to the Energy
Commission certain information and make recommendations related to
the programs. The bill would require the Energy Commission, on or before March 1, 2025, and annually thereafter, to prepare and submit to the PUC a report that includes specified information relating to the programs, as specified. The bill would require the PUC to include the Low-Income Oversight Board’s information and recommendations and the Energy Commission’s report in the PUC’s in its annual written report.

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 of the above provisions would be part of the act and a violation of a PUC action implementing this bill’s 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.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.


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

SECTION 1. Section 25231.7 is added to the Public Resources Code, to read:

25231.7. (a) For purposes of this section, the following definitions apply:

(1) “Programs” means the Discounted Electric Vehicle Charging Payment Card Program established pursuant to Section 740.22 of the Public Utilities Code.

(2) “Publicly available electric vehicle charging station” has the same meaning as defined in Section 740.22 of the Public Utilities Code.

(b) On or before March 1, 2025, and annually thereafter, the commission, in consultation with the Public Utilities Commission, shall prepare and submit to the Public Utilities Commission a report, for inclusion as an appendix in the report submitted by the Public Utilities Commission pursuant to Section 913.16 of the
Public Utilities Code, that includes a detailed list of the publicly
available electric vehicle charging station networks participating
in the programs, the total number of publicly available electric
vehicle charging stations available for use under those programs,
the total number of publicly available electric vehicle charging
stations available for use under those programs that are in
underserved communities, as defined in Section 1601 of the Public
Utilities Code, and the uptime of those publicly available electric
vehicle charging stations.

SEC. 2. Section 740.22 is added to the Public Utilities Code,
to read:

740.22.—

SECTION 1. Section 25231.7 is added to the Public Resources
Code, to read:

25231.7. (a) For purposes of this section, the following
definitions apply:

(1) “Community choice aggregator” has the meaning as defined
in Section 331.1 of the Public Utilities Code.

(2) “Eligible resident” means an individual eligible to receive
a payment card pursuant to subdivision (c).

(3) “Multiunit dwelling” means two or more dwelling units
within a single building or within two or more buildings on a site
or parcel, including, but not limited to, garden apartments, senior
housing developments, and multistory apartment and condominium
buildings.

(4) “Participating operator” means an operator of a publicly
available electric vehicle charging station that accepts payment
cards elects or is required to establish a program pursuant to
subdivision (d).

(5) “Payment card” means a discounted electric vehicle charging
payment card developed distributed by an electrical corporation
a participating operator for purposes of the its program.

(6) “Program” means the each Discounted Electric Vehicle
Charging Payment Card Program.
(7) “Publicly available electric vehicle charging station” has the same meaning as defined in Section 44268 of the Health and Safety Code and for which no fee is charged for its use. Code.

(7)

(8) “Underserved community” has the same meaning as defined in Section 1601 of the Public Utilities Code.

(9) “Utility” means any of the following:

(A) An electrical corporation, as defined in Section 218 of the Public Utilities Code.

(B) A local publicly owned electric utility, as defined in Section 224.3 of the Public Utilities Code.

(C) A community choice aggregator.

(b) (1) The commission, in consultation with the Energy Public Utilities Commission, State Air Resources Board, and California Integrated Travel Project, shall require each electrical corporation, on or before July 1, 2024, participating operator, within six months after becoming a participating operator, to establish a Discounted Electric Vehicle Charging Payment Card Program that will enable an eligible resident to use any of the participating operator’s publicly available electric vehicle charging stations located anywhere in the state through using a payment card developed by the electrical corporation in order to pay a rate equivalent to the rate that would be paid by the eligible resident if they were using an at-home electric vehicle charging station at their residence. Each electrical corporation shall, on or before January 1, 2025, provide a payment card to each eligible resident in its service territory who requests a payment card.

(c) The following individuals shall be eligible to receive a payment card:

(1) A California Alternate Rates for Energy Program customer who does not have access to a functioning electric vehicle charging station at their residence.

(2) A Family Electric Rate Assistance Program customer who does not have access to a functioning electric vehicle charging station at their residence.

(2) Each participating operator shall begin distributing payment cards within one year of becoming a participating operator.

(c) A California resident whose household income is at or below 400 percent of the federal poverty level and who does not have
access to a functioning electric vehicle charger at their residence shall be eligible to receive a payment card.

(3) A resident of a multiunit dwelling who does not have access to a functioning publicly available electric vehicle charging station at their residence. A resident of a multiunit dwelling has access to a functioning publicly available electric vehicle charging station at their residence if the commission determines, if, pursuant to the table below, that the multiunit dwelling does not have at least the specified number of publicly available functioning electric vehicle charging stations based on its total actual parking spaces:

<table>
<thead>
<tr>
<th>Total Actual Parking Spaces at the Multiunit Dwelling</th>
<th>Functioning Publicly Available Electric Vehicle Charging Stations</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 9, inclusive</td>
<td>0-1</td>
</tr>
<tr>
<td>10 to 25, inclusive</td>
<td>1-2</td>
</tr>
<tr>
<td>26 to 50, inclusive</td>
<td>2-3</td>
</tr>
<tr>
<td>51 to 75, inclusive</td>
<td>4-5</td>
</tr>
<tr>
<td>76 to 100, inclusive</td>
<td>5-6</td>
</tr>
<tr>
<td>101 to 150, inclusive</td>
<td>7-8</td>
</tr>
<tr>
<td>151 to 200, inclusive</td>
<td>10</td>
</tr>
<tr>
<td>201 or more</td>
<td>6 percent of those parking spaces</td>
</tr>
</tbody>
</table>

(4) A small business owner who uses one or more electric vehicles for business purposes and that meets one or more of the following requirements:

(A) The small business owner is experiencing financial hardship.

(B) The small business owner is located within, or provides service to, an underserved community.

(C) The small business is a certified women business enterprise, minority business enterprise, or disadvantaged business enterprise pursuant to Chapter 5 (commencing with Section 2050) of Part 1 of Division 2 of the Public Contract Code.

(D) The small business is a LGBT business enterprise, as defined in Section 8282.

(5) A disabled person who is issued a distinguishing license plate or placard for parking purposes pursuant to Section 22511.5 of the Vehicle Code does not have access to a functioning electric vehicle charger at their residence shall be eligible to receive a payment card.
vehicle charger at their residence if the disabled person resides in a multiunit dwelling and at least one none of the multiunit dwelling’s functioning publicly available electric vehicle charging station is not stations are accessible to the disabled person.

(d) (1) An operator of a publicly available electric vehicle charging station may elect to accept payment cards. establish a program pursuant to subdivision (b).

(2) An operator of a publicly available electric vehicle charging station that receives moneys from a state program, state agency, county, municipality, electrical corporation, or community choice aggregator to deploy a publicly available electric vehicle charging station shall, as a condition of receiving those moneys, accept payment cards. establish a program pursuant to subdivision (b).

(e) A payment card developed by an electrical corporation shall function as a virtual electrical meter so that the electricity paid for using a payment card anywhere in the state is charged to the eligible resident on the eligible resident’s subsequent electricity bill at a rate equivalent to the rate that would be paid by the eligible resident if they had instead used an at-home electric vehicle charging station at their residence.

(f) (1) The commission shall set a maximum rate that a participating operator may charge an eligible resident who is using a payment card to use the participating operator’s publicly available electric vehicle charging station.

(2) When an eligible resident uses a payment card to use a publicly available level 1 or level 2 electric vehicle charging station, the rate paid by the eligible resident shall be the lesser of the following:

(A) The lowest rate offered by the eligible resident’s electrical corporation to its ratepayers who own electric vehicles, including based on time of use, that the eligible resident would be eligible to pay if they instead used an at-home electric vehicle charging station at their residence.

(B) The retail rate charged by the participating operator.

(3) When an eligible resident uses a payment card to use a publicly available direct current fast charging electric vehicle charging station, the rate paid by the eligible resident shall be the rate determined pursuant to paragraph (2) and include a reasonable premium authorized by the commission.
(4) An individual eligible to receive a payment card pursuant to participation in a program described in paragraph (1) or (2) of subdivision (c) shall receive the same rate discount received through participation in that program when the individual uses a payment card.

(e) (1) (A) An eligible resident who is using a payment card to use the participating operator’s publicly available electric vehicle charging station shall pay a rate equivalent to the lower of the following, as applicable:

(i) The residential electric vehicle tariff rate of the utility with jurisdiction over the service area in which the publicly available electric vehicle charging station is located.

(ii) The lowest electricity rate offered to ratepayers who own electric vehicles, including based on time of use, by the utility with jurisdiction over the service area in which the publicly available electric vehicle charging station is located.

(B) For purposes of this paragraph, if a publicly available electric vehicle charging station is located within a portion of the service area of an electrical corporation in which a community choice aggregator provides electrical service, the community choice aggregator has jurisdiction over that portion of the service area.

(2) An eligible resident who is using a payment card and whose income would qualify them as a California Alternate Rates for Energy Program customer or Family Electric Rate Assistance Program customer shall receive the same rate discount received through participation in that program when the eligible resident uses the payment card.

(f) A participating operator shall, consistent with Section 25231.5 of the Public Resources Code, prioritize publicly available electric vehicle charging station uptime in underserved communities.

(g) (1) Notwithstanding Section 10231.5 of the Government Code, on or before March 1, 2025, and annually thereafter, the commission shall prepare and submit to the Governor and Legislature a report that includes all of the following:

(A) A detailed overview of the implementation of the programs, with participant profile statistics for that year, including the total number of applicants, the total number of participating eligible
residents, the total kilowatt hours served to participating eligible residents, participating eligible residents’ utility service areas, and the estimated annual fuel cost savings for participating eligible residents.

(B) A detailed list of the participating operators.

(C) The total number of publicly available electric vehicle charging stations available for use under a program.

(D) The total number and uptime of publicly available electric vehicle charging stations available for use under a program that are located in underserved communities.

(2) A report to be submitted pursuant to this subdivision shall be submitted in compliance with Section 9795 of the Government Code.

(3) The commission shall include the Public Utilities Commission’s Low-Income Oversight Board’s annual report submitted to the commission pursuant to Section 913.16 of the Public Utilities Code as an appendix in the report.

(h) For purposes of the report prepared and submitted pursuant to subdivision (g) and to provide oversight of the programs, the commission may require participating operators to submit relevant information to the commission.

SEC. 3. Section 913.16 is added to the Public Utilities Code to read:

913.16. (a) For purposes of this section, the following definitions apply:

(1) “Eligible resident” has the same meaning as defined in Section 740.22.

(2) “Payment card” has the same meaning as defined in Section 740.22.

(3) “Participating operator” has the same meaning as defined in Section 740.22.

(4) “Underserved community” has the same meaning as defined in Section 1601.

(b) On or before April 1, 2025, and annually thereafter, the commission shall prepare and submit to the Governor and the Legislature a written report on the Discounted Electric Vehicle Charging Payment Card Programs established by electrical corporations pursuant to Section 740.22 that includes all of the following:

(1) A detailed overview of the implementation of the programs:
(2) Program participant profile statistics for the prior calendar year:

(3) The total number of eligible residents, per electrical service area, who requested a payment card:

(4) The total number of eligible residents who received a payment card:

(5) The total number of participating operators:

(6) The total kilowatt-hours of electricity paid for using a payment card:

(7) The estimated annual fuel cost savings that results from the programs for eligible residents who received a payment card:

(e) (1) The Low-Income Oversight Board shall annually determine the percentage of eligible residents who received a payment card who are enrolled in the California Alternate Rates for Energy Program or Family Electric Rate Assistance Program and the number of eligible residents who received a payment card who reside in an underserved community, and shall annually make recommendations on how to improve participation by, and benefits accrued to, low-income individuals:

(2) The commission shall include the Low-Income Oversight Board’s determinations and recommendations in the annual written report:

(d) The commission shall include the Energy Commission’s annual report submitted to the commission pursuant to Section 25231.7 of the Public Resources Code as an appendix in the annual written report.

SEC. 4. 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.

SEC. 5. The Legislature finds and declares that increasing access to, and affordability of, publicly available electric vehicle charging stations is a matter of statewide concern and is not a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Section 2 of this act adding
Section 740.22 to the Public Utilities Code applies to all cities, including charter cities.

SEC. 2. Section 913.16 is added to the Public Utilities Code, to read:

913.16. On or before January 1, 2025, and annually thereafter, the Low-Income Oversight Board shall annually submit to the Energy Commission, for inclusion in the report prepared and submitted pursuant to Section 25231.7 of the Public Resources Code, a report that includes both of the following:

(a) The number of eligible residents, as defined in Section 25231.7 of the Public Resources Code, who received a payment card through a Discounted Electric Vehicle Charging Payment Card Program pursuant to Section 25231.7 of the Public Resources Code and who reside in an underserved community, as defined in Section 1601.

(b) Recommendations for how to improve participation by, and benefits accrued to, low-income residents through Discounted Electric Vehicle Charging Payment Card Programs established pursuant to Section 25231.7 of the Public Resources Code.