

AMENDED IN ASSEMBLY APRIL 20, 2016

AMENDED IN ASSEMBLY APRIL 5, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2141

Introduced by Assembly Member Ting

February 17, 2016

An act to add Section 748 to the Public Utilities Code, relating to energy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2141, as amended, Ting. Energy assistance: ~~Corner~~ *corner* stores.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. Existing law requires each electrical corporation and gas corporation to develop and implement a program of rate assistance to eligible food banks at a fixed percentage to be determined by the commission and subject to direction and supervision by the commission. Existing law requires all public utilities to develop programs, in cooperation with local school districts, to reduce ~~their~~ *the* electricity and gas bills *of those school districts* through conservation and improvements in efficiency. Pursuant to existing law, the commission supervises various energy efficiency and low-income targeted energy efficiency programs administered by electrical corporations, gas corporations, and third-party administrators.

This bill would require each electrical corporation and gas corporation to develop a program, subject to direction and supervision by the

commission, that provides incentives and assistance to owners, operators, or lessees of corner stores, as defined, to reduce their electricity and gas bills through conservation and energy efficiency improvements, including the placement *of*, or replacement of *less efficient equipment with*, free or low-cost energy-efficient refrigeration in order to improve a community’s access to healthy and fresh food options. The bill would require that the program give priority to low-income or lower income, as defined, areas and communities, areas and communities with limited access to healthy food, including those areas and communities that are considered to be food deserts, as defined, and communities with higher rates of diet-related diseases, as defined. The bill would require each electrical and gas ~~corporation~~ corporation, *in designing its program, to consult with store owners, product vendors, refrigeration manufacturers, and the Office of Farm to Fork in the Department of Food and Agriculture. The bill would require each electrical and gas corporation to submit its proposal for the program to the commission by January 1, 2018, and would require the commission to authorize or deny implementation of the program by July 1, 2018.*

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 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:

- 1 SECTION 1. Section 748 is added to the Public Utilities Code,
- 2 to read:
- 3 748. (a) For purposes of this section, the following terms have
- 4 the following meanings:

1 (1) “Corner store” means a small-scale store or grocery store,
2 either an independent store or a chain store, that sells a limited
3 selection of foods and other products, in rural, urban, and suburban
4 settings. “Corner store” includes stores that are not located on a
5 corner and stores commonly referred to as convenience stores or
6 neighborhood stores.

7 (2) “Diet-related diseases” includes, but is not limited to, obesity,
8 diabetes, cancer, and cardiovascular diseases.

9 (3) “Food desert” means an area or community that lacks or is
10 ~~absent~~ *devoid* of grocery stores or supermarkets that sell fresh
11 produce and healthy food options.

12 (4) “Low-income or lower income” means households with
13 annual incomes that are no greater than 400 percent of the federal
14 poverty level.

15 (b) (1) Subject to the direction and approval of the commission,
16 each electrical corporation and gas corporation shall develop and
17 implement a program to provide incentives and assistance to
18 owners, operators, or lessees of corner stores to reduce their
19 electricity and gas bills through conservation and energy efficiency
20 improvements, including, but not limited to, the placement *of*, or
21 replacement of *less efficient equipment with*, free or low-cost
22 energy-efficient refrigeration in order to improve a community’s
23 access to healthy and fresh food options.

24 (2) The program shall require participating corner stores to
25 agree to sell fresh produce and other healthy foods for a minimum
26 of three years. The commission may impose other conditions to
27 ensure the integrity of the program and to protect ratepayers. The
28 ~~three-year~~ *three-year* requirement shall not be enforceable if the
29 individual or entity, or its successor, owning, operating, or leasing
30 the corner store ceases all of its retail food sales operations.

31 (3) The program shall give priority to, but is not limited to, the
32 following:

33 (A) Low-income or lower income areas and communities.

34 (B) Areas and communities with limited access to healthy food,
35 including those that are considered to be food deserts.

36 (C) Communities with higher rates of diet-related diseases.

37 (4) The program shall encourage and include outreach to corner
38 stores to promote participation.

39 (c) (1) ~~Each~~ *In designing its program, each* electrical
40 corporation and gas corporation shall *consult with store owners,*

1 *product vendors, refrigeration manufacturers, and the Office of*
2 *Farm to Fork in the Department of Food and Agriculture. Each*
3 *electrical corporation and gas corporation shall submit its proposal*
4 *for the program to the commission by January 1, 2018.*

5 *(2) Each electrical corporation and gas corporation shall*
6 *consult with the Office of Farm to Fork to determine which foods*
7 *should be considered fresh and healthy and how much refrigerated*
8 *space should be available under this program for healthy food*
9 *options.*

10 ~~(2)~~

11 (3) The commission may approve the proposal, modify and
12 approve the proposal, or direct the utility to file a new proposal
13 with elements specified by the commission by a date certain.

14 ~~(3)~~

15 (4) The commission shall authorize or deny implementation of
16 the program by July 1, 2018.

17 (d) The commission shall implement an equitable means to fund
18 the program, which may include, but is not limited to,
19 overcollections pursuant to the California Alternate Rates for
20 Energy (CARE) program, the Energy Savings Assistance Program
21 established pursuant to Section 382, and other energy efficiency
22 funds or programs subject to the commission’s oversight.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within
30 the meaning of Section 6 of Article XIII B of the California
31 Constitution.