

AMENDMENTS TO SENATE BILL NO. 875

Amendment 1

In the title, in line 1, after “act” insert:

to amend Sections 1240.650, 1245.250, and 1268.610 of the Code of Civil Procedure, and to amend Section 851 of the Public Utilities Code,

Amendment 2

In the title, in line 1, strike out “energy.” and insert:

public utilities.

Amendment 3

On page 1, before line 1, insert:

SECTION 1. The Legislature finds and declares all of the following:

(a) Local publicly owned utilities are safe and reliable, and charge lower rates than investor-owned utilities. They are accountable to their customers through local legislative bodies, transparent due to public records laws, and focused on the needs of their local communities.

(b) Section 9 of Article XI of the California Constitution authorizes a city to provide its own electrical service or to contract with another utility to provide it.

(c) California statutes authorize other public agencies to establish local publicly owned utilities for the provision of electrical service.

(d) Investor-owned utilities deny local governments the right to provide electrical service by refusing to negotiate the price of facilities, excessively litigating condemnation and other proceedings, and requiring unnecessary expenditures for public entities and investor-owned utility customers.

SEC. 2. Section 1240.650 of the Code of Civil Procedure is amended to read:

1240.650. (a) ~~Where~~ If property has been appropriated to public use by any person other than a public entity, the use ~~thereof of the property~~ by a public entity for the same use or any other public use is a more necessary use than the use to which ~~such the~~ property has already been appropriated.

(b) ~~Where~~ If property has been appropriated to public use by a public entity, the use ~~thereof of the property~~ by the public entity is a more necessary use than any use to which ~~such the~~ property might be put by any person other than a public entity.

(c) ~~Where~~ Except as otherwise provided in subdivision (d), if property ~~which that~~ has been appropriated to a public use is ~~electric, electrical, gas, or water~~ public utility property ~~which that~~ the public entity intends to put to the same use, the presumption of a more necessary use established by subdivision (a) is a rebuttable presumption affecting the burden of proof, unless the acquiring public entity is a sanitary district exercising the powers of a county water district pursuant to Section 6512.7 of the Health and Safety Code.



(d) If property that has been appropriated to a public use is electrical, gas, or water public utility property that a public entity within the Pacific Gas and Electric Company service area intends to put to the same use, the presumption of a more necessary use established by subdivision (a) is conclusive and not rebuttable.

SEC. 3. Section 1245.250 of the Code of Civil Procedure is amended to read:
1245.250. (a) Except as otherwise provided by statute, a resolution of necessity adopted by the governing body of the public entity pursuant to this article conclusively establishes the matters referred to in Section 1240.030.

(b) ~~If (1) Except as otherwise provided in paragraph (2), if the taking is by a local public entity, other than a sanitary district exercising the powers of a county water district pursuant to Section 6512.7 of the Health and Safety Code, and the property is electric, electrical, gas, or water public utility property, the resolution of necessity creates a rebuttable presumption that the matters referred to in Section 1240.030 are true. This presumption is a presumption affecting the burden of proof.~~

(2) If the taking is by a local public entity within the Pacific Gas and Electric Company service area and the property is electrical, gas, or water public utility property, the resolution of necessity creates a rebuttable presumption that the matters referred to in Section 1240.030 are true, except that the presumption is conclusive and not rebuttable in the circumstance described in subdivision (d) of Section 1240.650. This presumption is a presumption affecting the burden of proof.

(c) If the taking is by a local public entity and the property described in the resolution is not located entirely within the boundaries of the local public entity, the resolution of necessity creates a presumption that the matters referred to in Section 1240.030 are true. This presumption is a presumption affecting the burden of producing evidence.

(d) For the purposes of subdivision (b), a taking by the State Reclamation Board for the Sacramento and San Joaquin Drainage District is not a taking by a local public entity.

SEC. 4. Section 1268.610 of the Code of Civil Procedure is amended to read:
1268.610. (a) Subject to subdivisions (b) and (c), the court shall award the defendant ~~his or her~~ litigation expenses whenever:

(1) The proceeding is wholly or partly dismissed for any reason.

(2) Final judgment in the proceeding is that the plaintiff cannot acquire property it sought to acquire in the proceeding.

(b) Where there is a partial dismissal or a final judgment that the plaintiff cannot acquire a portion of the property originally sought to be acquired, or a dismissal of one or more plaintiffs pursuant to Section 1260.020, the court shall award the defendant only those litigation expenses, or portion thereof, that would not have been incurred had the property sought to be acquired following the dismissal or judgment been the property originally sought to be acquired.

(c) If the plaintiff files a notice of abandonment as to a particular defendant, or a request for dismissal of a particular defendant, and the court determines that the defendant did not own or have any interest in the property that the plaintiff sought to acquire in the proceeding, the court shall award that defendant only those litigation expenses incurred up to the time of filing the notice of abandonment or request for dismissal.

(d) Litigation expenses under this section shall be claimed in and by a cost bill to be prepared, served, filed, and taxed as in a civil action. If the proceeding is dismissed upon motion of the plaintiff, the cost bill shall be filed within 30 days after notice of entry of judgment.

(e) This section does not apply if subdivision (d) of Section 1240.650 applies to the proceeding.

SEC. 5. Section 851 of the Public Utilities Code is amended to read:

851. (a) Except as provided in subdivision (c), a public utility, other than a common carrier by railroad subject to Part A of the Interstate Commerce Act (49 U.S.C. Sec. 10101 et seq.), shall not sell, lease, assign, mortgage, or otherwise dispose of, or encumber the whole or any part of, its railroad, street railroad, line, plant, system, or other property necessary or useful in the performance of its duties to the public, or any franchise or permit or any right thereunder, or by any means whatsoever, directly or indirectly, merge or consolidate its railroad, street railroad, line, plant, system, or other property, or franchises or permits or any part thereof, without first having either secured an order from the commission authorizing it to do so for qualified transactions valued above five million dollars (\$5,000,000), or for qualified transactions valued at five million dollars (\$5,000,000) or less, filed an advice letter and obtained approval from the commission authorizing it to do so. If the advice letter is uncontested, approval may be given by the executive director or the director of the division of the commission having regulatory jurisdiction over the utility. The commission shall determine the types of transactions valued at five million dollars (\$5,000,000) or less, that qualify for advice letter handling. For a qualified transaction valued at five million dollars (\$5,000,000) or less, the commission may designate a procedure different than the advice letter procedure if it determines that the transaction warrants a more comprehensive review. Absent protest or incomplete documentation, the commission shall approve or deny the advice letter within 120 days of its filing by the applicant public utility. The commission shall reject any advice letter that seeks to circumvent the five-million-dollar (\$5,000,000) threshold by dividing a single asset with a value of more than five million dollars (\$5,000,000) into component parts, each valued at less than five million dollars (\$5,000,000). Every sale, lease, assignment, mortgage, disposition, encumbrance, merger, or consolidation made other than in accordance with the advice letter and approval from the commission authorizing it is void. The permission and approval of the commission to the exercise of a franchise or permit under Article 1 (commencing with Section 1001) of Chapter 5, or the sale, lease, assignment, mortgage, or other disposition or encumbrance of a franchise or permit under this article, shall not revive or validate any lapsed or invalid franchise or permit, or enlarge or add to the powers or privileges contained in the grant of any franchise or permit, or waive any forfeiture.

(b) (1) Subdivision (a) shall apply to any transaction described in subparagraph (F) of paragraph (1) of subdivision (b) of Section 854.2.

(2) ~~For (A)~~ Except as otherwise provided in subparagraph (B), for any transaction described in subparagraph (F) of paragraph (1) of subdivision (b) of Section 854.2, as part of its review under subdivision (a), the commission shall determine whether the transaction is fair and reasonable to affected public utility employees, including both union and nonunion employees.

(B) For any transaction described in subparagraph (F) of paragraph (1) of subdivision (b) of Section 854.2 in which the public entity is within the Pacific Gas and Electric Company service area, the commission's review pursuant to subdivision (a) shall be limited to determining whether the transaction is fair and reasonable to affected public utility employees, including both union and nonunion employees.

(c) (1) Subdivision (a) shall not apply to an easement, or a change to an easement, that has a ratepayer financial impact valued at one hundred thousand dollars (\$100,000) or less if a public utility that is a party to the qualified transaction has gross annual California revenues of five hundred million dollars (\$500,000,000) or more.

(2) On January 1, 2030, and every five years thereafter, the threshold values specified in paragraph (1) shall be adjusted to reflect any increase in inflation as measured by the Consumer Price Index for All Urban Consumers (CPI-U) published by the United States Bureau of Labor Statistics.

(3) Each public utility shall annually file a Tier 1 advice letter with the commission by April 1, with a report of all transactions performed pursuant to paragraph (1), enumerated by date, value, location, and party.

(d) This section does not prevent the sale, lease, encumbrance, or other disposition by any public utility of property that is not necessary or useful in the performance of its duties to the public, and any disposition of property by a public utility shall be conclusively presumed to be of property that is not useful or necessary in the performance of its duties to the public, as to any purchaser, lessee, or encumbrancer dealing with that property in good faith for value, provided that this section does not apply to the interchange of equipment in the regular course of transportation between connecting common carriers.

SEC. 6. It is the intent of the Legislature to enact additional statutory changes beyond the statutory changes made in this bill to expedite the timeline for Public Utilities Commission approval of valuation, including, but not limited to, enforcing specified timelines for commission review of valuation, processes and removing unnecessary barriers to public entities within the Pacific Gas and Electric Company service area implementing their constitutional or statutory authority to withdraw and separate from the Pacific Gas and Electric Company.

SEC. 7. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances pertaining to the Pacific Gas and Electric Company.

SEC. 8. 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.

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Substantive

Amendment 4
On page 1, strike out lines 1 to 5, inclusive, and strike out page 2

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PROPOSED AMENDMENTS TO SENATE BILL NO. 875

SENATE BILL

No. 875

Introduced by Senator Wiener

(Principal coauthors: Assembly Members Haney and Stefani)

January 6, 2026



RN2609867

An act to amend Sections 1240.650, 1245.250, and 1268.610 of the Code of Civil Procedure, and to amend Section 851 of the Public Utilities Code, relating to ~~energy~~. public utilities.

Amendments 1 & 2

LEGISLATIVE COUNSEL'S DIGEST

SB 875, as introduced, Wiener. Public utilities: ~~Pacific Gas and Electric Company service area: withdrawal.~~ eminent domain.

(1) Existing law, the Eminent Domain Law, authorizes a public entity to exercise the power of eminent domain to acquire property for a public use if the use for which the property is sought to be taken is a more necessary public use than the use to which the property is appropriated, as specified. Existing law specifies that if property has been appropriated to public use by any person other than a public entity, the use of the property by a public entity for the same or any other public use is a more necessary use than the current use. Existing law also specifies that if property that has been appropriated to a public use is electrical, gas, or water public utility property, as defined, that the public entity intends to put to the same use, the presumption of a more necessary use is a rebuttable presumption affecting the burden of proof, except as specified. Existing law requires a court to award a defendant their litigation expenses if the eminent domain proceeding is dismissed or if there is a final judgment that the plaintiff cannot acquire the property by eminent domain, as provided.

This bill would specify that if property that has been appropriated to a public use is electrical, gas, or water public utility property that a public entity within the Pacific Gas and Electric Company service area intends to put to the same use, the presumption of a more necessary use is conclusive and not rebuttable. The bill would specify that the above-described litigation expenses provisions do not apply to those proceedings.

(2) Existing law authorizes a public entity to exercise the power of eminent domain only if it has adopted a resolution of necessity, as specified. Under existing law, a resolution of necessity adopted by the governing body of a public entity conclusively establishes that, among other matters, the public interest and necessity require the project. Existing law specifies that, if a taking is by a local public entity and the property is electrical, gas, or water public utility property, the resolution of necessity creates a rebuttable presumption that those matters are true.

This bill would provide that, if a taking is by a local public entity within the Pacific Gas and Electric Company service area and the property is electrical, gas, or water public utility property, and the local public entity intends to put the property to the same use, the resolution of necessity instead creates a conclusive and not rebuttable presumption that those matters are true.

~~Existing~~

(3) Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations and gas corporations. Existing law prohibits public utilities, other than certain common carriers, from selling, leasing, assigning, mortgaging, or otherwise disposing of, or encumbering, its assets that are necessary or useful in the performance of its duties to the public, unless the public utility has secured an order or approval from the commission to do so, as provided. Existing law requires, for any voluntary or involuntary change in ownership of assets from an electrical corporation or gas corporation to ownership by a public entity, the commission to determine, as part of its review under these provisions, whether the transaction is fair and reasonable to affected public utility employees.

~~This bill would state the intent of the Legislature to enact subsequent legislation that would authorize cities within the Pacific Gas and Electric Company (PG&E) service area, including, but not limited to, the City and County of San Francisco, to withdraw and separate from PG&E and either (1) create their own public utility, owned by and accountable~~

to the public and not private shareholders or (2) join an existing municipal utility.

This bill would require the commission, in its review of a voluntary or involuntary change in ownership of assets from an electrical or gas corporation to a public entity within the Pacific Gas and Electric Company service area, to limit its review to determining whether the transaction is fair and reasonable to affected public utility employees.

This bill would make legislative findings and declarations as to the necessity of a special statute for public entities within the Pacific Gas and Electric Company service area.

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

(4) 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: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

- + SECTION 1. *The Legislature finds and declares all of the*
- + *following:*
- + *(a) Local publicly owned utilities are safe and reliable, and*
- + *charge lower rates than investor-owned utilities. They are*
- + *accountable to their customers through local legislative bodies,*
- + *transparent due to public records laws, and focused on the needs*
- + *of their local communities.*
- + *(b) Section 9 of Article XI of the California Constitution*
- + *authorizes a city to provide its own electrical service or to contract*
- + *with another utility to provide it.*

Amendment 3

+ (c) California statutes authorize other public agencies to
+ establish local publicly owned utilities for the provision of
+ electrical service.

+ (d) Investor-owned utilities deny local governments the right
+ to provide electrical service by refusing to negotiate the price of
+ facilities, excessively litigating condemnation and other
+ proceedings, and requiring unnecessary expenditures for public
+ entities and investor-owned utility customers.

+ SEC. 2. Section 1240.650 of the Code of Civil Procedure is
+ amended to read:

+ 1240.650. (a) ~~Where~~If property has been appropriated to
+ public use by any person other than a public entity, the use ~~thereof~~
+ of the property by a public entity for the same use or any other
+ public use is a more necessary use than the use to which ~~such~~ the
+ property has already been appropriated.

+ (b) ~~Where~~If property has been appropriated to public use by a
+ public entity, the use ~~thereof~~ of the property by the public entity
+ is a more necessary use than any use to which ~~such~~ the property
+ might be put by any person other than a public entity.

+ (c) ~~Where~~Except as otherwise provided in subdivision (d), if
+ property ~~which~~ that has been appropriated to a public use is
+ electric, electrical, gas, or water public utility property ~~which~~ that
+ the public entity intends to put to the same use, the presumption
+ of a more necessary use established by subdivision (a) is a
+ rebuttable presumption affecting the burden of proof, unless the
+ acquiring public entity is a sanitary district exercising the powers
+ of a county water district pursuant to Section 6512.7 of the Health
+ and Safety Code.

+ (d) If property that has been appropriated to a public use is
+ electrical, gas, or water public utility property that a public entity
+ within the Pacific Gas and Electric Company service area intends
+ to put to the same use, the presumption of a more necessary use
+ established by subdivision (a) is conclusive and not rebuttable.

+ SEC. 3. Section 1245.250 of the Code of Civil Procedure is
+ amended to read:

+ 1245.250. (a) Except as otherwise provided by statute, a
+ resolution of necessity adopted by the governing body of the public
+ entity pursuant to this article conclusively establishes the matters
+ referred to in Section 1240.030.

+ (b) ~~¶(1)~~ Except as otherwise provided in paragraph (2), if the
+ taking is by a local public entity, other than a sanitary district
+ exercising the powers of a county water district pursuant to Section
+ 6512.7 of the Health and Safety Code, and the property is ~~electric,~~
+ *electrical*, gas, or water public utility property, the resolution of
+ necessity creates a rebuttable presumption that the matters referred
+ to in Section 1240.030 are true. This presumption is a presumption
+ affecting the burden of proof.

+ (2) If the taking is by a local public entity within the Pacific
+ Gas and Electric Company service area and the property is
+ *electrical, gas, or water public utility property*, the resolution of
+ necessity creates a rebuttable presumption that the matters referred
+ to in Section 1240.030 are true, except that the presumption is
+ *conclusive and not rebuttable in the circumstance described in*
+ *subdivision (d) of Section 1240.650. This presumption is a*
+ *presumption affecting the burden of proof.*

+ (c) If the taking is by a local public entity and the property
+ described in the resolution is not located entirely within the
+ boundaries of the local public entity, the resolution of necessity
+ creates a presumption that the matters referred to in Section
+ 1240.030 are true. This presumption is a presumption affecting
+ the burden of producing evidence.

+ (d) For the purposes of subdivision (b), a taking by the State
+ Reclamation Board for the Sacramento and San Joaquin Drainage
+ District is not a taking by a local public entity.

+ SEC. 4. Section 1268.610 of the Code of Civil Procedure is
+ amended to read:

+ 1268.610. (a) Subject to subdivisions (b) and (c), the court
+ shall award the defendant ~~his or her~~ litigation expenses whenever:

+ (1) The proceeding is wholly or partly dismissed for any reason.

+ (2) Final judgment in the proceeding is that the plaintiff cannot
+ acquire property it sought to acquire in the proceeding.

+ (b) Where there is a partial dismissal or a final judgment that
+ the plaintiff cannot acquire a portion of the property originally
+ sought to be acquired, or a dismissal of one or more plaintiffs
+ pursuant to Section 1260.020, the court shall award the defendant
+ only those litigation expenses, or portion thereof, that would not
+ have been incurred had the property sought to be acquired
+ following the dismissal or judgment been the property originally
+ sought to be acquired.

+ (c) If the plaintiff files a notice of abandonment as to a particular
 + defendant, or a request for dismissal of a particular defendant, and
 + the court determines that the defendant did not own or have any
 + interest in the property that the plaintiff sought to acquire in the
 + proceeding, the court shall award that defendant only those
 + litigation expenses incurred up to the time of filing the notice of
 + abandonment or request for dismissal.

+ (d) Litigation expenses under this section shall be claimed in
 + and by a cost bill to be prepared, served, filed, and taxed as in a
 + civil action. If the proceeding is dismissed upon motion of the
 + plaintiff, the cost bill shall be filed within 30 days after notice of
 + entry of judgment.

+ (e) *This section does not apply if subdivision (d) of Section*
 + *1240.650 applies to the proceeding.*

+ *SEC. 5. Section 851 of the Public Utilities Code is amended*
 + *to read:*

+ 851. (a) Except as provided in subdivision (c), a public utility,
 + other than a common carrier by railroad subject to Part A of the
 + Interstate Commerce Act (49 U.S.C. Sec. 10101 et seq.), shall not
 + sell, lease, assign, mortgage, or otherwise dispose of, or encumber
 + the whole or any part of, its railroad, street railroad, line, plant,
 + system, or other property necessary or useful in the performance
 + of its duties to the public, or any franchise or permit or any right
 + thereunder, or by any means whatsoever, directly or indirectly,
 + merge or consolidate its railroad, street railroad, line, plant, system,
 + or other property, or franchises or permits or any part thereof,
 + without first having either secured an order from the commission
 + authorizing it to do so for qualified transactions valued above five
 + million dollars (\$5,000,000), or for qualified transactions valued
 + at five million dollars (\$5,000,000) or less, filed an advice letter
 + and obtained approval from the commission authorizing it to do
 + so. If the advice letter is uncontested, approval may be given by
 + the executive director or the director of the division of the
 + commission having regulatory jurisdiction over the utility. The
 + commission shall determine the types of transactions valued at
 + five million dollars (\$5,000,000) or less, that qualify for advice
 + letter handling. For a qualified transaction valued at five million
 + dollars (\$5,000,000) or less, the commission may designate a
 + procedure different than the advice letter procedure if it determines
 + that the transaction warrants a more comprehensive review. Absent

+ protest or incomplete documentation, the commission shall approve
 + or deny the advice letter within 120 days of its filing by the
 + applicant public utility. The commission shall reject any advice
 + letter that seeks to circumvent the five-million-dollar (\$5,000,000)
 + threshold by dividing a single asset with a value of more than five
 + million dollars (\$5,000,000) into component parts, each valued at
 + less than five million dollars (\$5,000,000). Every sale, lease,
 + assignment, mortgage, disposition, encumbrance, merger, or
 + consolidation made other than in accordance with the advice letter
 + and approval from the commission authorizing it is void. The
 + permission and approval of the commission to the exercise of a
 + franchise or permit under Article 1 (commencing with Section
 + 1001) of Chapter 5, or the sale, lease, assignment, mortgage, or
 + other disposition or encumbrance of a franchise or permit under
 + this article, shall not revive or validate any lapsed or invalid
 + franchise or permit, or enlarge or add to the powers or privileges
 + contained in the grant of any franchise or permit, or waive any
 + forfeiture.

+ (b) (1) Subdivision (a) shall apply to any transaction described
 + in subparagraph (F) of paragraph (1) of subdivision (b) of Section
 + 854.2.

+ (2) ~~For (A)~~ *Except as otherwise provided in subparagraph (B),*
 + *for any transaction described in subparagraph (F) of paragraph (1)*
 + *of subdivision (b) of Section 854.2, as part of its review under*
 + *subdivision (a), the commission shall determine whether the*
 + *transaction is fair and reasonable to affected public utility*
 + *employees, including both union and nonunion employees.*

+ (B) *For any transaction described in subparagraph (F) of*
 + *paragraph (1) of subdivision (b) of Section 854.2 in which the*
 + *public entity is within the Pacific Gas and Electric Company*
 + *service area, the commission's review pursuant to subdivision (a)*
 + *shall be limited to determining whether the transaction is fair and*
 + *reasonable to affected public utility employees, including both*
 + *union and nonunion employees.*

+ (c) (1) Subdivision (a) shall not apply to an easement, or a
 + change to an easement, that has a ratepayer financial impact valued
 + at one hundred thousand dollars (\$100,000) or less if a public
 + utility that is a party to the qualified transaction has gross annual
 + California revenues of five hundred million dollars (\$500,000,000)
 + or more.

+ (2) On January 1, 2030, and every five years thereafter, the
+ threshold values specified in paragraph (1) shall be adjusted to
+ reflect any increase in inflation as measured by the Consumer Price
+ Index for All Urban Consumers (CPI-U) published by the United
+ States Bureau of Labor Statistics.

+ (3) Each public utility shall annually file a Tier 1 advice letter
+ with the commission by April 1, with a report of all transactions
+ performed pursuant to paragraph (1), enumerated by date, value,
+ location, and party.

+ (d) This section does not prevent the sale, lease, encumbrance,
+ or other disposition by any public utility of property that is not
+ necessary or useful in the performance of its duties to the public,
+ and any disposition of property by a public utility shall be
+ conclusively presumed to be of property that is not useful or
+ necessary in the performance of its duties to the public, as to any
+ purchaser, lessee, or encumbrancer dealing with that property in
+ good faith for value, provided that this section does not apply to
+ the interchange of equipment in the regular course of transportation
+ between connecting common carriers.

+ *SEC. 6. It is the intent of the Legislature to enact additional
+ statutory changes beyond the statutory changes made in this bill
+ to expedite the timeline for Public Utilities Commission approval
+ of valuation, including, but not limited to, enforcing specified
+ timelines for commission review of valuation, processes and
+ removing unnecessary barriers to public entities within the Pacific
+ Gas and Electric Company service area implementing their
+ constitutional or statutory authority to withdraw and separate
+ from the Pacific Gas and Electric Company.*

+ *SEC. 7. The Legislature finds and declares that a special statute
+ is necessary and that a general statute cannot be made applicable
+ within the meaning of Section 16 of Article IV of the California
+ Constitution because of the unique circumstances pertaining to
+ the Pacific Gas and Electric Company.*

+ *SEC. 8. 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.*

Page 1 1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~subsequent legislation that would authorize cities within the Pacific~~
3 ~~Gas and Electric Company (PG&E) service area, including, but~~
4 ~~not limited to, the City and County of San Francisco, to withdraw~~
5 ~~and separate from PG&E and either (a) create their own public~~
Page 2 1 ~~utility, owned by and accountable to the public and not private~~
2 ~~shareholders or (b) join an existing municipal utility.~~

Amendment 4

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