



**ASSEMBLY AMENDMENT 1,
TO 2005 ASSEMBLY BILL 153**

March 29, 2005 – Offered by COMMITTEE ON ENERGY AND UTILITIES.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “providing an exemption from emergency rule
3 procedures,”.

4 **2.** Page 2, line 1: delete lines 1 to 5.

5 **3.** Page 3, line 8: delete “facility costs” and substitute “the capital costs of the
6 facility”.

7 **4.** Page 3, line 9: after “facility” insert “at the time of the purchase”.

8 **5.** Page 3, line 11: delete “cost recovery” and substitute “the recovery of such
9 costs”.

10 **6.** Page 3, line 13: after “equity” insert “and rate of return”.

11 **7.** Page 3, line 17: delete “facility” and substitute “the”.

12 **8.** Page 3, line 20: delete “by rule”.

1 **9.** Page 4, line 9: on lines 9, 14 and 16, before “costs” insert “capital”.

2 **10.** Page 4, line 9: after that line insert:

3 “(am) The commission shall specify in an order under this section a deadline
4 at least 60 days after the date of issuance of the order for the public utility to notify
5 the commission in writing about whether the public utility accepts or waives
6 acceptance of the order. If the public utility does not make the notification by the
7 deadline specified in the order, the public utility is considered to have waived
8 acceptance of the order.”.

9 **11.** Page 4, line 10: delete lines 10 to 13 and substitute:

10 “(b) If the public utility accepts the order, then, in all future rate-making
11 proceedings regarding the public utility, the order shall be binding on the commission
12 in its treatment of the recovery of the capital costs of the facility that is subject to the
13 order and the commission may not consider the order or the effects of the order in its
14 treatment of the recovery of any other cost of the public utility.

15 “(bm) If the public utility waives or is considered to have waived acceptance”.

16 **12.** Page 4, line 17: delete lines 17 to 19 and substitute:

17 “(c) The commission may not require a public utility to apply for or accept an
18 order under this section.”.

19 **13.** Page 4, line 21: after “section” insert “, including rules specifying the
20 information that must be included in an application for an order under this section”.

21 **14.** Page 5, line 1: delete lines 1 to 11.

22 **15.** Page 5, line 19: delete “Section 4 (1) and (2)” and substitute “SECTION 4 (2)”.

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(END)