

Date of Hearing: April 23, 2025

ASSEMBLY COMMITTEE ON UTILITIES AND ENERGY

Cottie Petrie-Norris, Chair

AB 777 (Celeste Rodriguez) – As Amended April 3, 2025

SUBJECT: Food assistance: disasters: public utilities

SUMMARY: Of relevance to this committee, this bill requires utilities to respond to all data requests from the California Department of Social Services (CDSS), have a dedicated point of contact with CDSS, and to establish data sharing agreements to provide the requested data. Additionally requires the California Public Utilities Commission (CPUC) to provide technical assistance to CDSS to support a CDSS-led report on ways to ensure federal food assistance is maximized during emergencies. Specifically, **this bill:**

- 1) Creates new requirements on utilities, and specifies utilities subject to this bill as both public (POU) and private (i.e., investor-owned; IOU) electric utilities, as well as natural gas, water, sewer, telephone, pipeline and toll bridge corporations, among others. These new requirements include:
 - a. Must respond quickly and share requested data with CDSS.
 - b. Must have a dedicated contact person for CDSS.
 - c. Must set up data sharing agreements or memoranda of understanding (MOUs), as needed.
- 2) Requires the CPUC to provide technical assistance to CDSS to support a CDSS-led report on ways to ensure federal food assistance is maximized during emergencies.
- 3) Creates new requirements on CDSS:
 - a. Must request necessary data from the utilities.
 - b. Must maintain at least one utility liaison to act as point of contact with each utility.
 - c. Must submit a report to the Legislature, by December 31, 2026, outlining ways to increase federal food assistance during emergencies and recommend any additional oversight or actions needed to maintain access to Disaster CalFresh during or following a disaster.

EXISTING LAW:

- 1) Defines “public utility” as every common carrier, toll bridge corporation, pipeline corporation, gas corporation, electrical corporation, telephone corporation, telegraph corporation, water corporation, sewer system corporation, and heat corporation, where the service is performed for, or the commodity is delivered to, the public or any portion thereof. Provides limited exceptions to this definition. (Public Utilities Code § 216)
- 2) Defines “local publicly owned electric utility” (POU) as a municipality, municipal utility district, public utility district, irrigation district, or joint powers authority that furnishes – or whose member agencies furnish – electric service to consumers. (Public Utilities Code § 224.3)

- 3) Establishes the electric IOU authority to shut off the electric power to protect public safety. (Public Utilities Code §§ 451 and 399.2(a))
- 4) Prohibits electric or gas IOUs and electric POUs from sharing or selling customer consumption data without explicit customer consent, with exceptions for system operations, grid needs, or specified programs like demand response and energy efficiency. IOUs must implement reasonable security procedures to protect unencrypted customer data from unauthorized access or disclosure. (Public Utilities Code §§ 8380-8381)
- 5) Permits electric and gas IOUs and electric POUs to disclose customer consumption data as required or permitted under state or federal law or by an order of the CPUC, except to immigration authorities in instances where there is no court-ordered subpoena or judicial warrant. (Public Utilities Code §§ 8380(f)(3), 8381(f)(3))
- 6) Establishes information provided by utilities to the CPUC is confidential and not open to public inspection unless ordered by the CPUC. Makes unauthorized disclosure by CPUC personnel a misdemeanor. Permits information-sharing with the California Independent System Operator pursuant to an agreement to treat the shared information as confidential. (Public Utilities Code § 583)
- 7) Establishes under federal law the Supplemental Nutrition Assistance Program (SNAP) to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. (7 United States Code Section 2011 et seq.)
- 8) Establishes CalFresh as California's implementation of the federal SNAP program. (Welfare and Institutions Code § 18900)
- 9) Requires CDSS to identify the needed elements in a county human services department disaster plan and develop guidance for the development and submission of that plan. (Welfare and Institutions Code § 18917 (a))
- 10) Requires the CDSS to request to operate federal Disaster Supplemental Nutrition Assistance Program (D-SNAP) if the President issues a major disaster declaration for individual assistance. CDSS is also required to submit a waiver request to provide automatic mass replacement benefits to eligible households and a waiver request to allow households to purchase hot, prepared foods at authorized retailers with their benefits at the same time. (Welfare and Institutions Code § 18917 (d))
- 11) States that it is the intent of the Legislature that CDSS maximize the capacity of counties to maintain timely, adequate, and safe access to all applicable benefits during a disaster by providing support necessary for out-stationed application intake locations if requested by a county. In addition, it will be a priority to provide the technology and equipment to support the mobile issuance of EBT cards to recipients of Disaster CalFresh or replacement benefits, free of charge. (Welfare and Institutions Code § 18917 (e))

FISCAL EFFECT: Unknown. This bill is keyed fiscal, and will be referred to the Assembly Committee on Appropriations for its review.

CONSUMER COST IMPACTS: Unknown. This bill may result in slight increases to utility rates to support utility compliance with data requests and to maintain staff to liaise with CDSS. However, it is likely to result in consumer cost savings for those eligible for Disaster CalFresh during emergencies, who otherwise may be denied benefits due to inadequate information-sharing with the federal government.

BACKGROUND:

CalFresh – CalFresh is California’s version of the federal Supplemental Nutrition Assistance Program (SNAP), an entitlement program that provides eligible households with federally funded monthly benefits to purchase food. CalFresh food benefits are 100% federally funded. CalFresh food benefits are issued through an Electronic Benefit Transfer (EBT) card, accepted at eligible retailers. Recipients can buy groceries but are not allowed to purchase “hot foods” or nonfood items. Grocers and other retailers are paid directly by the federal government for the dollar value of purchases made with CalFresh food benefits. Monthly benefits per household vary based on household size, income, and deductible living expenses. Larger households generally receive more benefits than smaller households and relatively higher-income households generally receive fewer benefits than lower-income households. The average benefits in 2024 was \$322 a month per household.¹

Disaster CalFresh – Disaster CalFresh is the state specific version of the federal Disaster Supplemental Nutrition Assistance Program. The program can be enabled after an emergency or disaster to help victims purchase food. Before California can offer Disaster CalFresh to victims, a Presidential Major Disaster Declaration for Individual Assistance must be declared, commercial food distribution channels must have been disrupted and restored, and the state must be approved by the federal government to provide it. Disaster areas are defined by the Presidential Declaration.

Disaster CalFresh provides disaster victims with a month’s worth of benefits on an EBT card if they are not eligible for the regular CalFresh. For a household to be eligible, a person in that household must (1) live or work in the disaster area, (2) planned to have purchased food during the time of the disaster, (3) have experienced an adverse effect like loss of income or inaccessible resources, (4) and meet the disaster gross income limit which is set by the federal government. Households can receive up to \$292 for a month and do not need to be CalFresh recipients before the disaster.²

State law³ says CDSS must apply for other federal waivers when it requests Disaster CalFresh authorization such as the Timely Reporting Waiver, which extends the 10-day deadline for CalFresh recipients to report food loss; the Automated Mass Replacement Waiver, which allows CDSS to replace a certain percentage of a households benefit allotment if they live in the

¹ Legislative Analyst’s Office, “The 2024-25 California Spending Plan: Human Services,” October 2, 2024; <https://www.lao.ca.gov/Publications/Report/4933/3>

² CDSS CalFresh *Emergency Response Handbook*, September 13, 2018; <https://www.cdss.ca.gov/Portals/9/CalFreshResourceCenter/CalFreshEmergencyResponseHandbook.pdf?ver=2019-03-01-154438-827>

³ Welfare and Institutions Code § 18917

affected area without the recipient applying for a replacement; and the Hot Foods Waiver, which allows victims to temporarily purchase “hot foods.” Recent implementation of this law happened during the Los Angeles fires of January 2025. After an emergency declaration was made, CDSS was authorized for Disaster CalFresh and was approved for all of these waivers.

County Disaster CalFresh Plans – State law⁴ requires each county to submit a Disaster CalFresh Plan to CDSS every year. The plan must include details of how a county will provide Disaster CalFresh in a timely manner, and details of mutual aid agreements with at least two other counties. These plans must be submitted to CDSS which then submits a state plan to the United States Department of Agriculture Food and Nutrition Service. CDSS also is required to maintain a Disaster CalFresh Handbook⁵ that describes how to administer the program and offers best practices including how to remain in contact with the state during implementation.

Utility Information Needed for CDSS Food Loss Policies – Power outages are a very common cause of food loss resulting from a disaster. According to the CDSS *Emergency Response Handbook*, to assume food loss due to power loss, a majority (50% or more) of residents in a given area must experience a power outage of four hours or more. Most often, an area is defined as a ZIP code, but an area may encompass an entire county or other geographic zone. Traditionally under Disaster CalFresh, individuals impacted by a disaster would apply for benefits and request assistance; the households must also timely submit a signed affidavit attesting to food loss.⁶ Under the Automatic/Mass Replacement Waiver request, CDSS can seek authorization to replace a certain percentage of a households’ benefit allotment if they live in the affected area without the recipient applying for a replacement. For power outages, data to support the Automatic/Mass Replacement Waiver request must be obtained from the state or local utility company. According to CDSS, other widespread events such as major flooding may suffice to assume food loss, but do not require the same level of documentation.⁷

CDSS provides as part of its *Emergency Response Handbook* a “Power Outage Data Request Checklist” for county welfare departments’ outreach to local utilities.⁸ CDSS strongly recommends county departments establish relationships and develop contacts at one, or multiple, utility companies that service the county, as it may prove challenging to obtain required documentation in post-disaster situations. The checklist includes:

Specific Data to Request

- ☐ A list of ZIP codes serviced by the utility where 50% or more households/meters experienced a power outage of four hours or longer.
- ☐ Start and end date of the power outage data being reported.
- ☐ Confirm understanding that ZIP codes with 15 or fewer households/meters may be excluded to protect privacy (PII).

⁴ Welfare and Institutions Code § 18917

⁵ CDSS CalFresh *Emergency Response Handbook*, September 13, 2018; <https://www.cdss.ca.gov/Portals/9/CalFreshResourceCenter/CalFreshEmergencyResponseHandbook.pdf?ver=2019-03-01-154438-827>

⁶ 7 United States Code of Federal Regulations §§ 274.6(a)(3) and (a)(4)

⁷ Widespread impacts, such as those caused by major flooding, may provide sufficient evidence of potential food loss to allow the county welfare departments to issue replacement benefits without requesting individual affidavits. Documentation of such impact may include flood maps, and reports issued by the local or state Office of Emergency Services or Sheriff.

⁸ Pg. 9-10; CDSS CalFresh *Emergency Response Handbook*, *Ibid*.

COMMENTS:

- 1) *Author's Statement.* According to the author, "During the January 2025 Southern California fires and windstorms, neighborhoods in California that were impacted by the emergency did not receive support they could have been eligible for. This included emergency food assistance through D-SNAP. AB 777 will maximize federal food assistance following disasters by ensuring that all public and private utilities serving California households provide the necessary data to draw down all available federal food assistance benefits."
- 2) *Utility Notification Problems during Public Safety Power Shutoffs (PSPS).* Starting in 2012, the CPUC has released protocols for utilities to follow during de-energization events. The first PSPS guidance released by the CPUC was specifically for San Diego Gas & Electric, and required notification of customers.⁹ Today, IOUs are required to send notifications to customers on a specified schedule prior to the expected de-energization (starting at 48-72 hours in advance) and until re-energization. These notifications are intended to give customers adequate warning to prepare in advance for a proactive de-energization, which the IOUs perform as a last resort when weather conditions could result in a devastating wildfire. Timely notification allows customers to prepare for potential outages and make necessary arrangements based on the information provided.

There has been a history of problems with PSPS notification systems across the IOUs since the initiation of these protocols. In 2021, the CPUC fined Pacific Gas & Electric (PG&E) \$106 million for violating guidelines during PSPS events in the fall of 2019. These violations included failures to notify many customers and public safety partners. In 2023, PG&E was fined \$8 million as a result of failing to notify *any* of its impacted customers during its 2020 PSPS events.¹⁰ These failures are not limited to PG&E. In 2020, Southern California Edison (SCE) initiated sixteen PSPS events and failed to notify 25,573 customers, resulting in a \$7 million fine.¹¹ This was followed by twelve PSPS events initiated by SCE in 2021, during which SCE failed to send 232,719 notifications.¹² According to data recently compiled by the Public Advocates Office, SCE has consistently had an increasing number of notification failures over the years, most acutely realized during the January 2025 Los Angeles County wildfires where SCE failed to send 307,211 required notifications.¹³

The Los Angeles fires and windstorms demonstrated that power can be out in several communities, simultaneously, and the author suggests that this strained the ability to collect data for CDSS to receive Disaster CalFresh waivers. The data in question, as indicated above, are principally ZIP code-level information for power outages lasting longer than 4 hours. These are data that would (or could) largely be captured as part of the public notifications customers receive during PSPS events. The electric IOUs'

⁹ CPUC, Decision 12-04-024 April 19, 2012

¹⁰ CPUC, Resolution ALJ-445, October 16, 2023

¹¹ CPUC, Resolution ALJ-440, June 8, 2023

¹² CPUC, Resolution SED-12, November 7, 2024

¹³ Comments of the Public Advocates Office on Southern California Edison Company's Public Safety Power Shutoff Post-Event Report - January 2 TO 17, 2025, Rulemaking 18-12-005, March 18, 2025

notification history suggests shortcomings in these outreach efforts, which may suggest – but not prove – similar shortcomings in data-sharing between utilities and CDSS during these events.

Nevertheless, CDSS consistently received waivers from the federal government over the month of January 2025 due to the wildfires and PSPS events, including an Automated Mass Replacement Waiver granted on January 28, 2025, for the counties of Butte, Fresno, Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Mateo, Tuolumne, and Ventura.¹⁴ It is unclear to this committee where data gaps may have occurred, or where specific ZIP codes may have been excluded, during these events due to lack of timely information sharing by the utilities, as asserted by this bill.

The author does raise instances of ZIP codes in her district that experienced PSPS events in January 2025, but were excluded from Disaster CalFresh benefits. It is important to note, however, that before California can offer Disaster CalFresh to victims, a Presidential Major Disaster Declaration for Individual Assistance must be declared. Eligible recipients must live or work in the disaster area; an area which is defined by the Presidential Declaration. For events such as those in Los Angeles County in January 2025, multiple PSPS events were occurring simultaneously to the destructive wildfire and wind events. The committee is unaware of instances where a Presidential Major Disaster Declaration has been issued solely due to utility-initiated PSPS events. Often, as was the case in Los Angeles County in January 2025, PSPS events will be associated with broader emergencies, such as wildfires or severe storms. Those broader emergencies may lead to disaster declarations, constraining the area of eligibility for Disaster CalFresh to just the disaster area, which is often smaller than the footprint of the PSPS events.

- 3) *Public Safety Partners: A Missed Opportunity?* While shortcomings in IOU PPS outreach have been found with the mass, public notifications, it is unclear how those trends may be reflected with other mandated communication and outreach that occurs during these events. The IOUs are required to maintain a list of “public safety partners” who receive priority notification of a PPS event,¹⁵ and who have special access to utility portals with data on the event scope and duration.¹⁶ These portals often contain event maps that are updated in real time.¹⁷ The CPUC adopted an interim list of these partners; but electric IOUs often list additional or differing ones in their Wildfire Mitigation Plans.¹⁸ In the CPUC’s 2019 Decision the CPUC listed the public safety partners as first/emergency responders; water, wastewater, and communication providers; community choice aggregators; affected publicly-owned utilities and electrical cooperatives; and the CPUC, the Office of Emergency Services, and Cal FIRE.¹⁹ The

¹⁴ Erica Kain, “Letter to CDSS Deputy Director Garcia,” January 28, 2025; https://www.cdss.ca.gov/Portals/9/CAFSP/CalFresh/CalFresh_Disaster/CA%20Automated%20Mass%20Replacement%20Approval%20-%20January%202025_1.28.25%20-%20Accessible.pdf

¹⁵ CPUC Decision D. 19-05-042, Appendix A.

¹⁶ See SCE’s “Public Safety Partner Portal” <https://publicsafetyportal.sce.com>

¹⁷ SCE “Public Safety Power Shutoff Portal User Guide;” <https://sce2.maps.arcgis.com/sharing/rest/content/items/99b342cab31e4411ba4ce9d6008e403d/data>

¹⁸ CPUC Staff “Unofficial Compendium of PPS Guidelines and Rules (as of July 5, 2022);” filed July 12, 2022; R. 18-12-005; <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/psps/psps-compendium-12-july-2022.pdf>

¹⁹ CPUC Decision D. 19-05-042, Appendix A.

IOUs are required to provide 24-hour points of contact, including secondary and tertiary contacts to affected local jurisdictions; and are required to update their public safety partner contact lists annually, at least two months in advance of the start of the wildfire season.²⁰

Local officials are eligible for accessing the IOU public safety partner portals, but it is unclear the degree to which such portals are known broadly across local government departments. In SCE's post-event report for their January 17th- January 27th PSPS event, their list of public safety partners includes many city managers, fire chiefs, sheriffs, mayors, and emergency management coordinators; no county welfare departments nor CDSS were listed as contacts.²¹ It may be prudent to consider the inclusion of CDSS or local Disaster CalFresh-administrators on these lists and to grant them access to these portals, rather than the current strategy of CDSS/local departments conducting individualized outreach and data requests, with unclear levels of IOU responsiveness especially during these often chaotic events.

- 4) *Broad Scope.* Despite the author's motivation for this measure being specific to her community's impact during the January 2025 PSPS events, this measure captures nearly all utilities in the state, from toll bridge corporations, pipeline corporations, gas corporations, electrical corporations, telephone corporations, telegraph corporations, water corporations, sewer system corporations, and heat corporations, as well as electric POUs. Supporters of this measure affirm this broad scope is desired, noting the importance of these communication channels during all types of emergencies, involving all types of utilities. The supporters also note the data sharing provisions are upon request of CDSS; so if CDSS never requests data then the burden on the utility is likely negligible. However, this assertion ignores the requirements in the bill that each utility must maintain a dedicated point of contact with CDSS and establish data sharing agreements regardless of CDSS outreach. The benefit of such actions falling to a telegraph corporation or toll bridge operator are unknown to this committee. It is also unclear why electric POUs are included, but municipal water and gas providers are not. *As such, the committee recommends amending the bill to just electric, gas, and water corporations, and retaining electric POUs.*
- 5) *Data Sharing.* This measure is likewise broad in its data-sharing provisions. Under the measure, utilities are required to provide "all data requested" by CDSS and "timely respond to all requests" from CDSS. There is no limit to what data are being requested, although the bill does state the data would be to maximize the Disaster CalFresh benefits, as well as other state- and federally-funded food assistance programs. The bill does not limit the data requests to instances of disaster or emergency. It is unclear what data utilities would need to share under such broad directives.

Utility data can reveal where a person lives, the number of people in a household, and when individuals are home. As such, state law mandates the privacy of utility customers' data. Pursuant to statute, electric and gas IOUs and POUs cannot share or sell customer

²⁰ Pg. A10-A11; Appendix A; CPUC Decision D. 19-05-042,

²¹ Table 10; Attachment C- PSPS Event Data Workbook; January 20, 2025; SCE PSPS Post-Event Report; <https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/safety-and-enforcement-division/reports/psp-s-post-event-reports/2025/20250120sce-psps-event-data-workbookfinal.xlsx>

consumption data without explicit customer consent, with exceptions for system operations, grid needs, and specified programs.²² Statute defines “consumption data” as a customer’s electrical or natural gas usage, as well as the name, account number, and address of the customer. Statute makes exceptions to this prohibition for instances explicitly permitted under state or federal law or by an order of the CPUC. Traditionally, the CPUC enters into data-sharing agreements and MOUs with other state agencies when utility data are needed to fulfill a policy objective or planning activity outside the CPUC’s scope. In recent years, the CPUC has entered into MOUs with the California Energy Commission, the State Water Board, the Department of Community Services and Development, and others.²³

Given the broad scope of the current measure and the potential unintended consequences of utility data being shared insecurely, *the committee recommends amending this measure to direct the CPUC to coordinate and establish data sharing agreements with CDSS to determine appropriate utility data sharing to meet the objectives in this measure.* Such a recommendation will complement, not strike, the requirements in the bill affirming individual IOU data sharing with CDSS. Moreover, this bill calls upon the CPUC to provide technical assistance to CDSS to support a CDSS-led report on ways to ensure federal food assistance is maximized during emergencies. This implies the CDSS report will consider and comment upon utility data-sharing; however, the report’s considerations are much broader – maximizing federal food assistance during disasters. *As such, the committee recommends amendments clarifying the CPUC’s role in providing technical assistance to support data sharing with the utilities, not specifically to support the report.*

6) *Related Legislation.*

AB 1410 (Garcia, 2025) requires that all public utilities automatically enroll their customers in alerts for service outages and updates. Additionally requires public utilities to provide both an opt-out provision to decline alerts, with exceptions, and the ability for customers to update contact information. Status: Set for hearing on April 23, 2025, in this committee.

SB 739 (Arreguín, 2025) requires CDSS to inquire about the status of county facilities in areas where Disaster Cal Fresh has been authorized. Status: In Senate Committee on Appropriations after passage in Senate Committee on Human Services on April 7, 2025, on a 5-0 vote.

7) *Prior Legislation.*

SB 187 (Committee on Budget) creates the Office of Response and Resilience within the California Health and Human Services Agency to provide policy, fiscal, and operational organization, coordination, and management when departments are preparing for, mitigating, responding to, or helping communities recover from an emergency. Status: Chapter 50, Statutes of 2022.

²² Public Utilities Code §§ 8380-8381

²³ For full list of CPUC MOUs from 2016-2022, see <https://www.cpuc.ca.gov/about-cpuc/divisions/executive-office/memorandums-of-understanding>

AB 607 (Gloria) requires certain specified actions on the part of the CDSS, the Department of Public Health, and county human services agencies in order to prepare for and respond to the needs of low-income residents in the event of a disaster, including CDSS's implementation of Disaster CalFresh. Status: Chapter 501, Statutes of 2017.

- 8) *Double Referral*. This bill is double referred. Upon passage in this committee, it will be referred to the Assembly Committee on Human Services for its review.

REGISTERED SUPPORT / OPPOSITION:

Support

Coalition of California Welfare Rights Organizations
Courage California
Feeding the Foothills
Food Bank of Contra Costa and Solano
Food for People, the Food Bank for Humboldt County
Glide
Hunger Action Los Angeles INC
Los Angeles Regional Food Bank
Parent Voices California
Second Harvest Food Bank of Orange County
Second Harvest Food Bank of Santa Cruz County
Senior and Disability Action

Opposition

None on file.

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