

California Code, Public Utilities Code - PUC § 218

Current as of January 01, 2025 | Updated by [Findlaw Staff](#)

(a) "Electrical corporation" includes every corporation or person owning, controlling, operating, or managing any electric plant for compensation within this state, except where electricity is generated on or distributed by the producer through private property solely for its own use or the use of its tenants and not for sale or transmission to others.

(b) "Electrical corporation" does not include a corporation or person employing cogeneration technology or producing power from other than a conventional power source for the generation of electricity solely for any one or more of the following purposes:

(1) Its own use or the use of its tenants.

(2) The use of or sale to not more than two other corporations or persons solely for use on the real property on which the electricity is generated or on real property immediately adjacent thereto, unless there is an intervening public street constituting the boundary between the real property on which the electricity is generated and the immediately adjacent property and one or more of the following applies:

(A) The real property on which the electricity is generated and the immediately adjacent property are under common ownership or control, or that common ownership or control was exercised by the person generating the electricity so generated and not for other business purposes.

(B) The useful thermal output of the facility generating the electricity is not used for the production of real property for petroleum production or refining.

(C) The electricity furnished to the immediately adjacent property is not used for the production of real property by a corporation or person generating the electricity.

(3) Sale or transmission to an electrical corporation or state or local public utility, or to a person or corporation, or to others, unless the corporation or person is otherwise an electrical corporation.

(c) "Electrical corporation" does not include a corporation or person employing landfill gas technology for the generation of electricity for any one or more of the following purposes:

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- (1) Its own use or the use of not more than two of its tenants located on the real property on which the electricity is generated.
- (2) The use of or sale to not more than two other corporations or persons solely for use on the real property on which the electricity is generated.
- (3) Sale or transmission to an electrical corporation or state or local public agency.
- (d) "Electrical corporation" does not include a corporation or person employing digester gas technology for the generation of electricity for any one or more of the following purposes:
- (1) Its own use or the use of not more than two of its tenants located on the real property on which the electricity is generated.
- (2) The use of or sale to not more than two other corporations or persons solely for use on the real property on which the electricity is generated.
- (3) Sale or transmission to an electrical corporation or state or local public agency, if the sale or transmission of the electricity service to a retail customer is provided through the transmission system of the existing local publicly owned electric utility or electrical corporation of that retail customer.
- (e) "Electrical corporation" does not include an independent solar energy producer, as defined in Article 3 (commencing with [Section 2868](#)) of Chapter 9 of Part 2.
- (f) The amendments made to this section at the 1987 portion of the 1987-88 Regular Session of the Legislature do not apply to any corporation or person employing cogeneration technology to generate power from a source other than a conventional power source for the generation of electricity that physically generated the electricity in 1989, and furnished that electricity to immediately adjacent real property.

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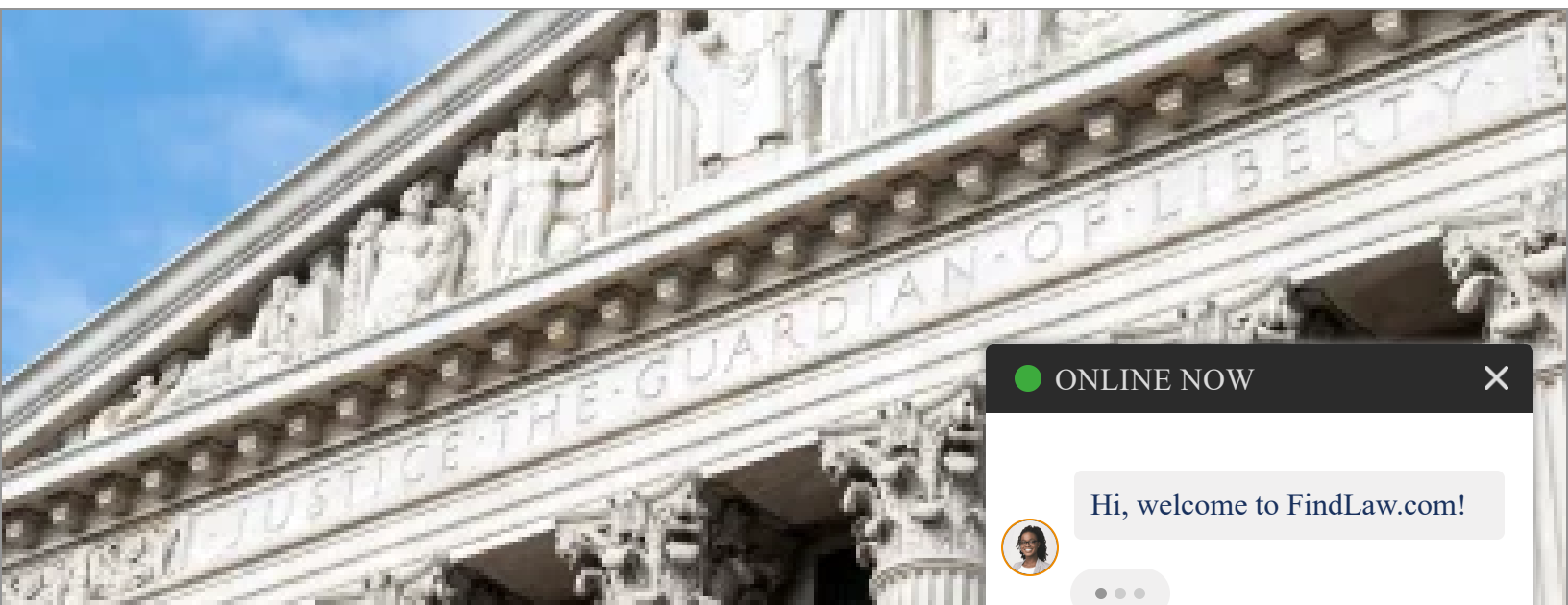
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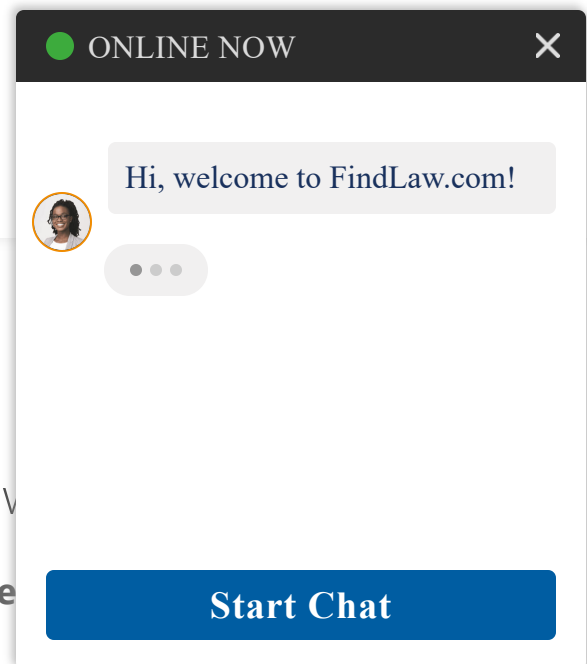
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