
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No: ACA 9 **Hearing Date:** 6/9/26
Author: Boerner
Version: 5/28/26 Amended
Urgency: **Fiscal:** Yes
Consultant: Carrie Cornwell

Subject: Public Utilities Commission.

DIGEST

This proposed constitutional amendment would, if approved by the voters, change the size and composition of the membership of the California Public Utilities Commission (CPUC) and delete telephone corporations from those public utilities regulated by the CPUC.

ANALYSIS

Existing law contained in Article XII of the California Constitution:

- 1) Establishes the CPUC as a five-member body, each member appointed by the Governor and approved by the Senate for staggered six-year terms.
- 2) Allows the CPUC to establish its own procedures, subject to statute and due process.
- 3) Defines public utilities as private corporations and persons that own, operate, control, or manage a line, plant, or system for the transportation of people or property, the transmission of telephone and telegraph messages, or the production, generation, transmission, or furnishing of heat, light, water, power, storage, or wharfage directly or indirectly to or for the public, and common carriers. The Legislature may prescribe additional classes of private corporations or persons as public utilities.
- 4) Charges the CPUC to, among other things, fix rates, establish rules, examine records, issue subpoenas, administer oaths, take testimony, punish for contempt and prescribe a uniform system of accounts for all public utilities subject to its jurisdiction.

This measure:

- 1) Asks the people of the State of California to amend Article XII of the California Constitution to:
 - a) Expand the CPUC to nine members by adding two members each appointed by the California State Senate and the California State Assembly.

- b) Deletes the authority of the CPUC to establish its own procedures. The measure, as it would be before the people, would also declare the intent of the Legislature to recodify this authority in state statute.
 - c) Deletes “telephone and telegraph messages” from the list of public utilities subject to CPUC regulation.
 - d) Permits the Legislature to reassign the CPUC’s duties, functions, and jurisdiction relating to telephone corporations, telecommunications service, and broadband service, including by reassigning these duties to another state entity.
 - e) Requires the CUPC to consider affordability when fixing rates for public utilities.
- 2) States that by adopting this measure the voters:
- a) Express that it is not the intent of the Legislature through this measure to limit its own authority to prescribe additional classes of private corporations or other persons as public utilities.
 - b) Declares the intent of the people to establish, on or before January 1, 2028, an entity within state government separate from the CPUC, to promote ubiquitous and universal broadband infrastructure to support broadband adoption and competitive broadband service throughout the state.

COMMENTS

- 1) Author’s Statement. Californians are paying the highest, and continually rising, utility rates compared to the rest of the nation. Decisions on rate hikes take place at the CPUC, an agency whose influence and decisions have reverberating effects on our daily lives. We see the impacts through ever increasing electric bills and mismanagement of our state’s public utilities that have resulted in dangerous wildfires, record profits for utility executives, and inefficient programs that cost ratepayers billions. Unfortunately, the Legislature has limited authority to implement structural reforms that our constituents want without amendments to the California Constitution.

This measure would return the power back to the people’s directly elected representatives, instead of only five unelected political appointees. The changes in this constitutional amendment open the door for the structural reforms that are needed to get the CPUC focused on the most pressing issues Californians care about like energy affordability, meeting our climate goals, and safer utilities.

- 2) The CPUC: A Very Short History. The CPUC, which regulates public utilities and the rates they may charge, has its roots in the Progressive Era. The predecessor agency was set up in the late 19th Century to regulate transportation companies’ fares as well as their treatment of passengers and freight. In the early 20th Century, Governor Hiram Johnson led a successful effort to include the Railroad Commission and its powers in the California Constitution. A 1946 constitutional amendment resulted in the renaming of that commission as the CPUC with authority to regulate not just transportation companies, but also other utilities. The current Article XII of

the California Constitution dates from ACA 36 (Cory), Resolution Chapter 88, Statutes of 1974, which became Proposition 12 on the November 4, 1974, statewide general election ballot.

The CPUC operates today under the 1974 constitutional framework that sets its membership at five commissioners, all appointed by the governor, and delineates its duties as well as the Legislature's authority over it. In the decades since the commission's establishment in the early 1900s and its recasting via Prop. 12 in 1974, the entities the CPUC regulates have changed substantially. Throughout this time, the commission has remained a five-member body. This measure would address those changes by increasing the size of the CPUC and decreasing the types of utilities it regulates. It would also give the Legislature greater authority to establish CPUC procedures.

- 3) What's on the Ballot? The author intends for this proposed constitutional amendment to appear on the November 3, 2026 statewide general election ballot. The Legislature would need to pass this measure by June 25, 2026, for this measure to appear on that ballot.

As of June 1, 2026, three legislative ballot measures and five initiative measures will appear on the ballot for the November 3rd statewide general election.

- 4) Arguments in Support. The Los Angeles County Office of Education supports this measure due to its promotion of greater transparency, accountability, and oversight of the CPUC. The office believes that broadening the CPUC's membership and creating a focus on affordability will benefit schools, students, and others who depend on affordable utility services and stable broadband infrastructure.

The associations representing broadband and wireless industries note that the measure updates outdated constitutional language and provides the Legislature with greater flexibility to consider a more modern framework for administering broadband programs. This change would create an opportunity for California to establish a dedicated broadband office singularly focused on overseeing publicly funded broadband deployment efforts.

- 5) Arguments in Opposition. Opposition to the bill comes from regulated utilities, labor unions, consumer organizations, and media watchdog organizations, among others.

The consumer groups express concern about removing telecommunications companies from CPUC regulation, noting the importance of reliable telecommunications services to ensuring health and safety, especially during emergencies. In a coalition letter, consumer groups and other opponents assert:

[The measure] offers no substance and merely pays lip service to affordability to distract from its real goal, which is to remove the constitutional authority to regulate telecommunications and to eliminate the CPUC's constitutional authority to adopt policies and procedures that may actually hold industry accountable.

[This measure] is AT&T's attempt to begin deregulation in California. This is happening at the same time that AT&T is fighting at the CPUC to end its Carrier

of Last Resort (COLR) responsibilities, has filed applications at the [Federal Communications Commission] to end its residential and business services, and is actively suing the state of California to end COLR because the legislature rightly refused to do it. When looking at the full picture, AT&T is trying to bully California from all sides to achieve their goal of abandoning all low-profit geographies to increase profits regardless of the public safety implications.

The California Farm Bureau opposes this measure because it would “institute significant changes to the operations of the CPUC disrupting many processes and procedures that the public has relied upon for fair treatment in the oversight of energy, telecommunications, and water matters.”

The investor-owned utilities oppose this measure because:

[t]he CPUC’s structure and procedural authority are established in the California Constitution and are designed to withstand political dynamics, ensuring regulated utility services remain stable and consistent for ratepayers. [This measure] removes these protections and introduces unnecessary regulatory risk subject to the prevailing political climate.

The water utilities express deep concern that the proposed language of this measure directing the CPUC to “consider the affordability of rates” in fixing water rates would, if applied as a primary or singular standard, fundamentally undermine the health, safety, and reliability obligations that must remain paramount in the regulation of drinking water utilities.

- 6) Double referral. This measure was referred to both the Committee on Energy, Utilities, and Communications and this committee. The Committee on Energy, Utilities, and Communications is scheduled to hear it on June 8, 2026.

RELATED/PRIOR LEGISLATION

AB 2289 (Boerner) would have established the Office of Broadband and Digital Equity within the Government Operations Agency and transferred responsibility for several existing broadband and telecommunications programs, currently administered by the CPUC or the California Department of Technology, to this new office. The bill was held on the suspense file in the Assembly Committee on Appropriations last month.

PRIOR ACTION

Assembly Floor:	67 - 1
Assembly Appropriations Committee:	14 - 0
Assembly Utilities and Energy Committee:	18 - 0

POSITIONS

Sponsor: Author

Support: CTIA (The Wireless Association)

Los Angeles County Office of Education
USTelecom – The Broadband Association

Oppose: Hugo Soto-Martinez, Councilmember of City of Los Angeles
Marqueece Harris-Dawson, Los Angeles City Council President, Council District 8
AARP
Alliance for a Better Community
Black in Environment
California Alliance for Community Energy
California Alliance for Digital Equity
California Alliance for Retired Americans
California Building Industry Association
California Community Foundation
California Democratic Party Rural Caucus
California Farm Bureau Federation
California Federation of Labor Unions
California Partnership to End Domestic Violence
California State Association of Electrical Workers
California Water Association
Center for Accessible Technology
Center for Community Energy
Central California Asthma Collaborative
Climate Action Campaign
Coalition of California Utility Employees
Communities in Schools
Community Legal Services in East Palo Alto
Connect the Valley (CTV)
Conservatorship Reform Project
Courage California
CVIIC
Debt Free Justice California
Destination Crenshaw
Digital Equity Los Angeles (DELA)
East Bay Broadband Consortium
Electronic Frontier Foundation
EMF Safety Network
Everyone on
Families in Schools
Free Press Action
Glide Foundation
Hack the Hood
Haven Hills
Hispanic Federation
Hoopa Valley Public Utilities District
Human Response Network
Institute for Local Self Reliance (ILSR)
Jesse's Place Organization
Justice2jobs Coalition

LA Defensa
Latino Equality Alliance
Media Alliance
MediaJustice
Michelson Center for Public Policy
Nextgen California
Pacific Gas and Electric Company
Pacoima Beautiful
Parent Institute for Quality Education
Project Sanctuary
Prosecutors Alliance Action
Restoring Hope California
Rubicon Programs
San Diego Gas & Electric
San Francisco Economic Justice Center
SaveLandlines.org
Southern California Edison
Southern California Gas Company
The Change Parallel Project
Unite LA
Victims Empowerment Support Team (VEST)
Wireless Radiation Alert Network
YWCA of Glendale and Pasadena
14 individuals

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