

## Responses to Comment Set C Carol and David Downs

C-1 The commenters' background on SCE's communications, as well as their opposition to the Proposed Project and taking of their property for the proposed substation site is noted. See Response to Comment C-4 regarding the CPUC's decision-making process, condemnation, and eminent domain.

Section 1.4 (SCE PEA Alternatives Considered) of the Draft IS/MND, explains that the California Environmental Quality Act (CEQA) does not require the inclusion of an alternatives analysis in MNDs because the Initial Study concludes that, with incorporation of mitigation measures, there would be no significant adverse impacts resulting from the Proposed Project (CEQA Guidelines Sections 15063(d) and 15071). Therefore, no alternatives analysis needs to be provided in the Initial Study. However, pursuant to Section IX.B.1(c) of CPUC General Order 131-D, SCE's application stated that 26 substation sites were analyzed and eliminated from further consideration in the PEA because they failed to meet basic project objectives, would not be feasible, or would not avoid or substantially reduce potential environmental effects of the Proposed Project. Two potential substation sites were identified for further consideration in the PEA. As summarized in Section 1.4 of the Draft IS/MND, overall, the substation site selected for the Proposed Project is expected to result in fewer overall environmental impacts when compared to the alternative site.

C-2 The commenter notes that the purpose of the Proposed Project is for increased capacity for Stallion Springs, Bear Valley Springs, and Cummings Valley and asked why not locate smaller substations at each of these communities and not in this farming community.

Section 1.4 of the IS/MND explains that the Proposed Project Study Area was developed by SCE using the following basic requirements:

- The substation should be in an area where existing and future electrical demand can be served within the ENA.
- The substation should be located in an area where it would improve operational flexibility with adjacent substations and circuits.

That is, the proposed site is located in proximity to the existing Correction-Cummings-Kern River #1 66 kV subtransmission line into which the Proposed Project would connect. In addition, a central substation site would provide SCE with operational flexibility and would allow all of the affected communities to be served by one substation. Construction of multiple substations or locating the substation in one of the residential communities would result in greater environmental impacts from the construction of a longer subtransmission line loop-in, longer distribution lines to serve other communities, and a location closer to a greater number of sensitive receptors. See Response to Comment C-1 for a discussion of alternative substation sites considered.

C-3 Notice of the release of the Draft IS/MND was sent to over 950 individuals and agencies and a newspaper ad was published in the Tehachapi News on November 19, 2014. These notices informed the public of the release of the Draft IS/MND, the dates of the public comment period, and provided contact information for any public questions and comments. In addition to written notification and although not required under CEQA for an

IS/MND, the CPUC held a public informational workshop in the Project area on December 11, 2014, in order to help affected communities understand the Proposed Project and the Proposed IS/MND and to explain how the public could participate in the CPUC's decision-making processes. Furthermore, it was explained at the meeting that additional time for comment would be granted if so requested given the timing of the meeting.

The commenters' statement about SCE's communications with the Cummings Valley Protective Association is noted. The CPUC has added Jo Anne Huckins, President, Cummings Valley Protective Association, to the CPUC's project mailing list.

C-4

The commenters' opposition to the Proposed Project is noted. Impacts to agricultural operations and Prime Farmland are discussed in Section 5.2 (Agriculture and Forestry) and include Mitigation Measure AG-1 (Minimize Impacts to Agricultural Resources) and Mitigation Measure AG-2 (Compensate for Prime Farmland) to reduce impacts to a less than significant level. Any compensation for the property, including revisions or termination of the current lease for agricultural operations on the property, would be negotiated with SCE following project approval by the CPUC. The following explanation has been provided in order to help the commenter understand the CPUC's decision-making process and next steps, including the eminent domain process and fair market value.

**CPUC General Proceeding.** Parallel to this environmental review process, the CPUC's general proceeding is a formal review process in which the CPUC considers how approval of a project might impact the public interest. A general proceeding can include pre-hearing conferences, evidentiary hearings, and public participation hearings, and the public may file a formal protest to a project through the general proceeding. A CPUC Assigned Commissioner and an Administrative Law Judge (ALJ) are in charge of the general proceeding, which may in part occur while the environmental review is underway.

**CPUC Decision-Making Process.** When both the environmental evaluation and general proceeding are complete, the ALJ will prepare a Proposed Decision for consideration by the five CPUC Commissioners. The ALJ will base the Proposed Decision on the general proceeding evidence and the analysis and conclusions made in the Final IS/MND. Although not common with Permit to Construct (PTC) applications and IS/MND documents, each Commissioner may draft an Alternate Decision presenting differing conclusions or opinions, including rejection of SCE's PTC application. All five Commissioners will then vote on the Proposed Decision at a meeting of the full Commission. Before approving the project, the CPUC will certify that the Final IS/MND has been completed in compliance with CEQA, was presented to its decision-making body and the decision-making body reviewed and considered the information contained in the Final IS/MND, and that the Final IS/MND reflects the independent judgment of the CPUC in compliance with CEQA Guidelines § 15090. If the project is approved, the CPUC will adopt a mitigation monitoring and reporting program to require monitoring of adopted mitigation measures and definition of mitigation monitoring procedures.

**Condemnation and Eminent Domain.** Landowners of any private parcels that would be crossed by the Proposed Project would be compensated by SCE for use of its easement

across the property based on the fair market value of the property taken.<sup>1</sup> Impacts on farming land are discussed under Agriculture and Forestry in Section 5.2 and include Mitigation Measure AG-1 (Minimize Impacts to Agricultural Resources) and Mitigation Measure AG-2 (Compensate for Prime Farmland) to reduce impacts to a less than significant level.

Should the SCE need to condemn certain of the land parcels, such as the substation site, the California Eminent Domain Law (contained in California Code of Civil Procedure § 123.010, et seq.) covers, in great detail, the procedural aspects of bringing eminent domain action in court.

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<sup>1</sup> “Fair market value” is a term defined by California Code of Civil Procedure section 1263.320(a) as “...the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.” In addition, where the property acquired is a part of a larger parcel, the payment of severance damages may be required if the remaining property (remainder), after the portion acquired, has been diminished in market value when compared with the same remainder before the taking.

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