



California Public Utilities Commission

The Transmission Line Application Process

A Step-By-Step Guide

- **Utility files CPCN application** – A utility files an application with the CPUC for a Certificate of Public Convenience and Necessity (CPCN) to construct a transmission line. The CPCN application will include a proponent’s Environmental Assessment (PEA). The need for the project may be based on economic, reliability, or renewable goals, or any combination of the three.
- **Parties respond or protest** – Parties generally respond to or protest an application within 30 days of the filing of the application, or as set by the assigned Administrative Law Judge (ALJ).
- **CPUC staff review application** - CPUC staff review the CPCN application, and the PEA, for completeness and notify the utility-applicant of whether the application is complete, or identify any deficiencies with the application within 30 days of the filing date.
- **Application deemed complete** - Once deficiencies have been corrected, CPUC staff sends a letter to the applicant deeming the application “complete.”
- **ALJ holds a prehearing conference** - At any time after the filing of the CPCN application, the ALJ may schedule a pre-hearing conference to discuss issues such as the proper scope of the proceeding, discovery rules, the service list, and the schedule for the proceeding.
- **Notices of Intent to Seek Compensation** - Qualified groups or individuals planning to seek intervenor compensation must file and serve a notice within 30 days of the prehearing conference.
- **Discovery**– Parties may engage in discovery; written data requests are the most common method of discovery in CPUC proceedings. Often, the ALJ, Assigned Commissioner, or the full Commission will set limits on the time for discovery.
- **Scoping Memo** - Some time after the prehearing conference, the Assigned Commissioner issues a written ruling defining the issues the Commission will consider in the proceeding, and setting the schedule.
- **Initial environmental study** - When it is not clear whether the Commission must issue either an environmental impact report or a negative declaration under CEQA, CPUC staff will first prepare an initial study. When it is clear that the Commission must issue an environmental impact report, the staff can skip this step. If the proposed project involves federal land, the CPUC may develop a joint CEQA/NEPA environmental document with the relevant federal agency.
- **Public environmental review process begins** – CPUC environmental review staff and their consultants conduct public scoping meetings to help identify the range of actions, alternatives, environmental effects, methods of assessment, and mitigation measures that the Commission will evaluate in its environmental review process.

- **Draft EIR issues** – CPUC environmental staff issues a draft environmental impact report (EIR) for at least 45 days of public comment. The CPUC usually sponsors public meetings in the area of the project during the comment period.
- **Testimony served** – Parties serve expert witness testimony on parties to the proceeding to address the issues within the scope of the proceeding, including the need for the project and alternatives to the project.
- **Evidentiary hearings** – If there are disputed facts, the ALJ holds evidentiary hearings where parties may cross examine the experts who filed testimony.
- **Briefs filed** – At the conclusion of the evidentiary hearings, parties file briefs (and, often, reply briefs) regarding the conclusions the CPUC should reach in the proceeding. In opening briefs, parties offer arguments to support their positions, citing applicable facts that have been offered in evidence and received by the Commission, as well as citing applicable law, and referring to prior Commission decisions that may be informative. In reply briefs, parties are limited to pointing out errors of law or fact in the opening briefs provided by other parties.
- **Final EIR issues** – CPUC environmental review staff issues a final EIR, addressing the public comments made on the draft EIR.
- **Proposed decision mailed** – The ALJ writes the proposed decision based on the record in the proceeding and the Commission distributes it to parties. Individual Commissioners have the option of preparing proposed decisions of their own, called alternate decisions. If the Assigned Commissioner wishes to sponsor an alternate, he or she must mail it at the same time as the proposed decision. Parties have an opportunity to file comments on the proposed and alternate decision(s).
- **Commission vote** – The ALJ may amend the proposed decision in response to comments received. Similarly, a commissioner offering an alternate may amend it. No sooner than 30 days after the CPUC mails the proposed decision to the parties, the CPUC commissioners may vote on the decision. The Commission may reject or accept a proposed or alternate decision in its entirety, or change it in any way consistent with the law and evidentiary record.
- **Private or “*ex parte*” communications in CPCN proceedings** – The ALJ will not entertain any communication involving substantive issues in the proceeding that is not made either in a properly-noticed public hearing or in the form of sanctioned written pleadings that are simultaneously provided to all parties. As a general rule, if the CPCN proceeding is categorized as “rate setting,” (as most are) a party seeking an *ex parte* communication with a commissioner must first receive the Commissioner’s consent, and then serve a notice of the meeting on all parties several days in advance. The party must also file and serve a written report of the communication within three working days. All other parties then have the right to a follow-up meeting of equal length to discuss the same issues. A Commissioner’s advisor can receive an *ex parte* communication if the party receives prior consent, and if within three working days, the party sends a notice to all parties describing the discussion. For additional information regarding the CPUC’s rules regarding *ex parte* communications with decisionmakers, please refer to the CPUC’s Rules of Practice and Procedure, Rules 7 and 7.1, available at:

http://www.cpuc.ca.gov/PUBLISHED/RULES_PRAC_PROC/70731.htm