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08/01/08

VIA U.S. MAIL

Juralynne B. Mosley
California Public Utilities Commission
c/o Aspen Environmental Group
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Re: El Casco System Project
Recirculated Draft Environmental Impact Report
Report SCH #2007071076, Dated July 8, 2008

Dear Ms. Mosley:

This letter and attachments contain the comments of Edward H. Leonhardt P.E. on the Recirculated Draft Environmental Impact Report dated July 8, 2008 (recirculated Draft EIR) for the El Casco System Project (Proposed Project), California Public Utilities Commission (CPUC) Proceeding 07-02-022. I am responding to the CPUC invitation to submit written comments on the portions of the Draft Environmental Impact Report date December 12, 2007 (Draft EIR), which have been revised and are included in the recirculated Draft EIR; i.e., (1) the revised Executive Summary; (2) Introduction; (3) Noise Analysis; and (4) Comparison of Alternatives.

I represent the people of Sun Lakes who would be affected by the environmental impacts resulting from approval of the Proposed Project and in particular those 862 Sun Lake residents who signed the El Casco Project Protest which was included in the formal protest against the Proposed Project (See Appendix A for Sun Lakes resident's signatures). The petition protest reads as follows:

EL CASCO PROJECT PROTEST

As residents of Sun Lakes retirement community, located in the City of Banning, California, we are signing this protest against the El Casco System Project (Project), a project proposed by Southern California Edison (SCE), California Public Utilities Commission (CPUC) Application No. A 07-02-022. We contend that the Proponent's Environmental Assessment prepared by SCE does not mitigate the potential environmental impacts, i.e., to result in final conditions becoming less severe or intense than current ones. We request that the CPUC require that an Environmental Impact Report (EIR) be prepared for the portion of the Project where 13 miles of existing single-circuit 115 kV lines (three lines) are replaced with new, higher capacity double-circuit 115 kV lines (six larger lines) and taller poles. We believe that the results of the EIR will require SCE to bury the proposed new lines beneath ground level.

As a participant in this proceeding and as a professional in the field of engineering, I contend that the recirculated Draft EIR does not satisfy the California Environmental Quality Act (CEQA) requirements and is therefore not a legal document. My comments are as follows:

- A. The Legal Authority cited for releasing a recirculated Draft EIR is CEQA, Section 15088.5(a). Section 15088.5(a) states that; "Significant new information" is required in order for recirculation to occur. New information is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such a effect (including a feasible project alternative) that the project's proponents have declined to implement.

The new information provided by SCE regarding the ambient noise levels adjacent to the existing single circuit 115 kV subtransmission line does not satisfy the definition above as being "significant" and therefore it should not be considered as legally authorized.

The Draft EIR released on December 12, 2007 and the Final EIR released on April 11, 2008 both provided information which indicated that environmental issues related to noise gives preference to the Partial Underground Alternative because once operational, the underground subtransmission line would reduce corona noise impacts on residential receptors in Sun Lakes Community when compared to the Proposed Project. CEQA favors correction of long-term impacts over short-term impact corrections.

On 3/20/08 Commissioner, Dian M. Grueneich, and Administrative Law Judge (ALJ) Victoria S. Kolakowski released a Ruling and Scoping Memo which included a requirement that SCE serve additional testimony by 4/14/08. SCE final submittal was to ensure that the CPUC had sufficient record to determine the feasibility of the environmentally preferred alternative. SCE submittal to the CPUC dated 4/11/08 did not include any reference to new information, i.e., noise. The SCE document was immediately provided to Parties of this Proceeding by the CPUC on 4/11/08.

The time frame for SCE to legally submit information regarding this Proceeding ended on 4/14/08.

- B. The Draft EIR was released in December 2007. The Final EIR was released in April 2008. Copies of the covers and title pages for both documents are contained in Attachment B. It can be seen that both the Draft EIR and the Final EIR were prepared for the CPUC by Aspen Environmental Group (Aspen). This is evident by the Aspen logo appearing on the cover and their name appearing on the cover page of both documents. No preparer's logo appears on the cover of the recirculated Draft EIR. No preparer's name appears on the title page of the recirculated Draft EIR. This is in violation of CEQA Section 15129 and is therefore not a legal document. Section 15129 states: "The EIR shall identify all federal, state, or local agencies, or other organizations, and private individuals consulted in preparing the draft EIR, and the persons, firm or agency preparing the draft EIR, by contract or other authorization."

C. I am concerned that the recirculated Draft EIR was illegally released without full authorization of the Assigned Commissioner, Dian M. Gruenech, and ALJ, Victoria S. Kolakowski. I make this statement in light of the information presented in the Ruling and Scoping Memo released on 3/20/08. The following excerpts from that memo are provided below.

“We reiterate here our objectives for this proceeding which the ALJ articulated at the August 1, 2007 PHC: (1) that we conduct a proceeding that meets all legal requirements; (2) that we have a process that incorporates public input, and where there are issues of concern, we understand what those concerns are; and (3) that we be rigorous about keeping to our schedule to issue a timely decision.”

“with a final decision projected for June 12, 2008”

“Section 1701.5(a) requires that the Commission resolve the issues raised in this scoping memo within 18 months of its issuance. We expect to meet that deadline. However, if changes to the schedule are necessary, pursuant to 1701.5(a), we will issue a subsequent scoping ruling.”

D. I am concerned that CEQA Article 8. Time Limits, Section 15100 through 15112 have or will be violated with the lengthy duration of this Proceeding and postponement of a final decision.

Please note that 89 days has elapsed from the release of the Notice of Availability, Final Environmental Impact Report, Proposed El Casco System Project, April 11, 2008 until the Notice of Availability, Recirculated Draft Environmental Impact Report for the Proposed El Casco System Project, July 8, 2008.

My inquiry as to the status of the Proceeding on 7/2/08 resulted in an e-mail return which indicated; “the CPUC Decision on the El Casco System Project has been postponed and is anticipated to occur in November 2008.” See Attachment C for copy of e-mail response.

It is my opinion that the recirculated Draft EIR as released on July 8, 2008, did not meet the legal requirements of CEQA, and as such, should be rescinded. If it is determined that this opinion is not correct, I present the following comments related to the recirculated Draft EIR, date July 8, 2008.

1. I am concerned that the CPUC did not disclose to the Parties of this Proceeding the additional information presented by SCE subsequent to the release of the Final EIR until the recirculated Draft EIR was released on July 8, 2008, some 89 days following the release of the Final EIR.

2. The recirculated Draft EIR, Section A.2 SUMMARY OF REVISIONS MADE TO PREVIOUSLY CIRCULATED EIR, states: “Only the sections that have changed due to the new information provided by SCE are included in this recirculated EIR, per CEQA Guideline 15088.5(c).” SCE new information related to the environmental issue of noise and to no other. I strongly disagree that changes to the Draft EIR and Final EIR contained in the recirculated Draft EIR are related only with the noise information provided by SCE. I reference Table E-2, Proposed Project vs. CPUC’s Northern Route

Alternative Option 3 and Partial Underground Alternative as compared to Table ES-3, Proposed Project vs. CPUC's Northern Route Alternative Option 3 and Partial Underground Alternative, which both analyze the 11 CEQA environmental resource areas in detail. See Table E-2 and Table ES-3 contained in Appendix D.

The following presents the analysis provided in Table ES-3 (Draft EIR and Final EIR) and the changes to the analysis presented in Table E-2 (recirculated Draft EIR) for the 11 environmental resource areas.

Issue Area	Proposed Project	Route Alternative Option 3	Partial Underground Alternative
Air Quality			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	<i>blank</i> <i>No text change</i>	<i>blank</i> <i>No text change</i>
Land Use			
Table ES-3	<i>blank</i> <i>Original EIR text</i>	<i>blank</i> <i>Original EIR text</i>	Preferred <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	<i>blank</i> <i>EIR text change</i>	<i>blank</i> <i>EIR text change</i>
Biological Resources			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	<i>blank</i> <i>EIR text change</i>	<i>blank</i> <i>EIR text change</i>
Cultural Resources			
Table ES-3	Preferred <i>Original EIR text</i>	<i>blank</i> <i>Original EIR text</i>	<i>blank</i> <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	Not Preferred <i>No text change</i>	<i>blank</i> <i>No text change</i>
Geology and Soil			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>EIR text change</i>	<i>blank</i> <i>EIR text change</i>	<i>blank</i> <i>EIR text change</i>

Issue Area	Proposed Project	Route Alternative Option 3	Partial Underground Alternative
Hazards and Hazardous Materials			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	blank <i>No text change</i>	blank <i>No text change</i>
Hydrology and Water Quality			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	blank <i>No text change</i>	blank <i>No text change</i>
Noise			
Table ES-3	blank <i>Original EIR text</i>	blank <i>Original EIR text</i>	Preferred <i>Original EIR text</i>
Table E-2	Preferred <i>EIR text change</i>	blank <i>EIR text change</i>	blank <i>EIR text change</i>
Public Services and Utilities			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	blank <i>No text change</i>	blank <i>EIR text change</i>
Transportation and Traffic			
Table ES-3	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>	No Preference <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	blank <i>No text change</i>	blank <i>No text change</i>
Visual Resources			
Table ES-3	blank <i>Original EIR text</i>	blank <i>Original EIR text</i>	Preferred <i>Original EIR text</i>
Table E-2	Preferred <i>No text change</i>	Not Preferred <i>No text change</i>	blank <i>EIR text change</i>

It is quite obvious from a review of the chart above and Table ES-3 and Table E-2 contained in Attachment D that numerous changes to the environment impact results defined in the Draft EIR and Final EIR have been modified in the recirculated Draft EIR to depict the Proposed Project as the environmentally superior alternative. This is not allowed and a flagrant violation to the conditions defined in CEQA. The new information on noise, if considered "significant new information," could possibly change the environmental issue area of Noise only.

3. The recirculated Draft EIR indicates that subsequent to the release of the Final EIR on April 14, 2008, SCE provided new information on the environmental setting and the calculation of noise levels resulting from the Proposed Project 115 kV line operation. The new information relating to the environmental setting pointed to the fact that; "As the existing single-circuit 115 kV subtransmission line in this area is currently energized, it generates corona noise at all times." This new information contradicts previous information which indicated; "The subtransmission line currently in place does not carry current between Maraschino and Banning Substations, except in the event of an emergency. Thus, corona noise is not a typical component of the ambient noise environment near the sensitive receptors located adjacent to this portion of the subtransmission line route."

I live adjacent to the SCE ROW. I have personally experience the corona noise from the existing 115kV subtransmission line which is carrying current for emergency purposes but is not transmitting electrical current at this time. The corona noise, which I experienced, was a very audible continuous buzzing-hissing noise from the wires during a hazy-fogy-mild rain event. It is for this very reason that the Partial Underground Alternative is consider to be superior to any above ground alternative. There is no audible corona noise if the lines are buried below ground and therefore the issue of long-term noise impacts to human receptors is mitigated.

4. We must also remember that impacts associated with construction (i.e., temporary or short-term) or those that are easily mitigable or less-that-significant levels are considered to be less important than the long-term effects when comparing project alternatives. If a modified Final EIR is released, it must reflect the true comparison of alternatives. That being; the Partial Underground Alternative is preferred because of long-term benefits over the Proposed Project in three issue areas (land use, noise, and visual) along the approximate one-mile portion of the route through the Sun Lakes community. Any benefits along the one-mile underground portion would only be experienced in the long-term once the project is implemented.

The Partial Underground Alternative was determined to be the preferred alternative in the land use, noise and visual issues areas and this preference for the Partial Underground Alternative is defined in Table ES-3 as follows:

Land Use: **Preferred.** Similar to the Proposed Project, would traverse adjacent to (approximately 237 residential structures) in existing 115 kV subtransmission line ROW. For duration of 10-month construction activities, land use would be precluded. **However, when compared to the Proposed Project, long-term use of the golf course in Sun Lakes would be improved.**

Noise: **Preferred.** Construction would result in the identical number of residences impacted as the Proposed Project. However, extensive construction noise for 10 months would occur at underground segment. **Once operational, the underground subtransmission line would reduce corona noise impacts on residential receptors in the Sun Lakes Community when compared to the Proposed Project.**

Visual: **Preferred.** Construction would result in the identical number of residences impacted as the Proposed Project. **However, the underground segment of the subtransmission line would eliminate existing above-ground visible 115 kV subtransmission line wood poles in the Sun Lakes Community.**

5. Both Table ES-3 and Table E-2 contain the statement; “EMF impacts are not considered in the analysis as EMF is not considered a CEQA issue. However, even though electric magnetic forces (EMF) are not considered a CEQA issue, the CPUC has concerns regarding potential effects within the environment of EMF from power lines (see Draft EIR, Sections D.7.7.5 and D.7.7.6). The Draft EIR, in describing the Partial Underground Alternative, states:

“EMF levels along the underground portion of the ROW within the Sun Lakes Community would be reduced compared to the Proposed Project.”

“the magnetic field levels from the overhead double-circuit 115 kV design (Proposed Project) at the edges of the ROW would be approximately 5.5 to 5.7 milliGauss (mG) while the underground double-circuit 115 kV design would be 0 to 0.2 mG.”

Just as in the case of the CEQA Noise issue described in 4. above, once operational, the underground subtransmission line would reduce EMF impacts to essentially zero on residential receptors in the Sun Lakes Community when compared to the Proposed Project.

Final Comments

I have been a professional engineer for over 40 years and practiced as such in nine states under legal professional engineering registration. I am currently a registered engineer in the State of California and have been since 1974. I have prepared and supervised the preparation of hundreds of documents which I have certified and stamped using my professional license, knowing full well the legal obligations therein.

The Draft EIR release December 2007 and Final EIR released April 2008 have been prepared by the expenditure of hundreds of man/woman hours to generate technical information presented in the thousands of pages contained in two legal environmental documents (Draft EIR and Final EIR), at a cost of over a million dollars, with the sole purpose to specify the environmental superior alternative for this Proceeding. The results of the Draft EIR and Final EIR have specifically determined the environmentally superior alternative for Proceeding 07-02-022 to be the Partial Underground Alternative.

All parties, including SCE the Proposed Project proponent, have had sufficient opportunity to make comments during all phases of this Proceeding, within the legal structure of CEQA. Did SCE present

the “new significant information” on noise in their application, or during the comment phase and workshop following the release of the Draft EIR, or included any new significant noise information in their response to the CPUC’s request for final testimony to be submitted no later than April 14, 2008? No, SCE waited until some time subsequent to the release of the Final EIR on April 14, 2008 to present what has erroneously been described as “new significant information.”

I find the release of the recirculated Draft EIR by the CPUC on July 9, 2008 to be totally unacceptable and in violation of CEQA. It is time for the CPUC to get back to their basic responsibilities in this Proceeding as articulated by the ALJ at the August 1, 2007 PHC.

Those basic responsibilities being:

- (1) That we conduct a proceeding that meets all legal requirements;
- (2) That we have a process that incorporates public input, and where there are issues of concern, we understand what those concerns are; and
- (3) That we be rigorous about keeping to our schedule to issue a timely decision.

I certify/verify under penalty of law that I have personally prepared and am familiar with the information submitted in this document. I am the original protestant in Proceeding 07-02-022. The statements in this document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I would like to close this comment letter with the two quotes by Margaret Mead which I closed my Protest Document to the Proposed Project, dated March 14, 2007. The first quote was obtained from the CPUC website.

**“Never doubt that a small group of thoughtful, committed citizens can change the world.
In fact, it’s the only thing that ever has.”**

and

“We won’t have a society if we destroy the environment.”

Respectfully submitted,



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Attachments: Attachment A, B, C and D