

**JEFFER, MANGELS, BUTLER & MARMARO LLP**

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

TWELFTH FLOOR

ONE SANSOME STREET

SAN FRANCISCO, CALIFORNIA 94104-4430

TELEPHONE: (415) 398-8080

FACSIMILE: (415) 398-5584

LOS ANGELES OFFICE

TENTH FLOOR

2121 AVENUE OF THE STARS

LOS ANGELES, CALIFORNIA 90067-5010

TELEPHONE: (310) 203-8080

FACSIMILE: (310) 203-0567

REF./FILE NO.

INTERNET:  
EWO@JMBM.COM

EDWARD W. O'NEILL

DIRECT DIAL: (415) 984-9670

61394-0001

June 27, 2000

**RECEIVED**

JUN 27 2000

Judith Iklé  
c/o Aspen Environmental Group  
235 Montgomery Street, Suite 800  
San Francisco, CA 94104

Re: Comments on the Draft Environmental Impact Report for PG&E's Proposed Northeast San Jose Transmission Reinforcement Project, A.99-09-029

Dear Ms. Iklé:

I am writing on behalf of US DataPort, Inc. to offer its comments on the Draft Environmental Impact Report (Draft) for Pacific Gas and Electric Company's (PG&E's) Proposed Northeast San Jose Transmission Reinforcement Project. US DataPort is an active party and protestant in Application (A.)99-09-029, and is asking the Commission to approve PG&E's preferred project, conditioned upon the utility slightly modifying the location of the proposed new substation and related lines. Comments on the Draft are due no later than July 27, 2000. However, at the request of the Staff of the California Public Utilities Commission, US DataPort is submitting its comments now to facilitate early consideration of US DataPort's proposal. US DataPort is also providing a copy of these comments to each party in A.99-09-029 now, so that they will have an opportunity to reflect on the US DataPort proposal and offer any related comments prior to the July 27, 2000 deadline.

US DataPort is developing an advanced state-of-the-art data center and telecommunications campus for multiple service providers to serve the rapidly growing need for efficient, reliable and low-cost data and telecommunications interconnection, routing and transmission services in the Silicon Valley. This facility has been planned for two adjacent parcels of land in the vicinity of PG&E's proposed Los Esteros Substation, including a portion of the property which PG&E has identified as its preferred location for this substation. As a result, PG&E's proposed substation location conflicts with pending land use plans for this property. This site is uniquely suited for the data center and telecommunications campus US DataPort is developing due to its proximity to existing and planned Internet-related and telecommunications companies and transmission facilities, high demand in the area for the

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services that the facility will provide, and close proximity to PG&E's proposed new electric transmission lines and substation.

The US DataPort facility will be a "Super Hub" for internet connectivity, designed to meet the unique infrastructure requirements of telecommunications carriers, web-hosting and collocation data centers, internet service providers, content providers, broadcasters and enterprise data centers. US DataPort plans to build facilities of this type in or near the most significant communications centers, which include New York, Washington, and London, with subsequent locations in Asia and Latin America. The first will be located in Silicon Valley on the proposed site of the Los Esteros Substation. Silicon Valley is presently the confluence of more than 40% of the world's internet data traffic.

US DataPort will have a concentration of fiber-optic communications networks serving its special-purpose campus sites. All of those carriers now providing - or building - network services in San Jose, for example, will have immediate and cost-effective access to US DataPort by means of the unique conduit system which is already part of the city's Recycled Water Project. US DataPort will build two redundant central fiber cross-connect facilities to serve its tenants, and will pre-install fiber-optic cable to each site to insure unsurpassed reliable connectivity. Complete with "dark fiber" connections to one or more trans-Pacific fiber cables and wireless capability, the Silicon Valley project will have greater connectivity than any other location in the San Francisco Bay Area.

The City of San Jose has agreed to "fast track" US DataPort's pending rezoning application to ensure building occupancy by next Summer. US DataPort expects to have all permits this Fall and to begin construction on November 27, 2000.

US DataPort informed the Commission of its plans, and the land use conflict between its plans and those of PG&E, in the weeks prior to release of the Draft. However, the Commission was unable to incorporate information about this project into the Draft. Through these comments, a Petition to Intervene, a Limited Protest and subsequent testimony, US DataPort asks the Commission to include in the Final EIR full consideration of the land use conflict between the projects and the effects of slightly adjusting the location of the new substation and related lines to accommodate the "Super Hub" project.

US DataPort asks the Commission to approve placement of the new substation on the parcel of land just to the northwest of PG&E's preferred substation site (US DataPort will refer to its proposed substation site as the "Northwestern Parcel.") US DataPort proposes that the substation be located along the eastern edge of Zanker Road, in close proximity to the Pollution Control Plant and Sludge Drying Beds. PG&E should locate the substation and

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appropriately design the substation so that it will meet current needs and reasonably foreseeable future needs without interfering with US DataPort's anticipated land use.

With the substation in this location, the proposed 115 kV and 230 kV power lines would be realigned, as well. Rather than forming several right angles as they meander west and south toward Zanker Road, the 115 kV lines from the substation could simply travel straight down Zanker Road. The proposed 230 kV line approaching the substation from the north could remain in the preferred corridor, but it could be shortened and one turn and tower could be eliminated. The existing Agnews 115 kV Tap Line could be extended parallel to SSR 237 to Zanker Road (in the preferred corridor for the new 115 kV lines) and then up Zanker Road to the substation.

The enclosed maps and photographs demonstrate the land use conflict resulting from PG&E's preferred location of the substation and related transmission lines, and describe US DataPort's proposed realignment. Figure "A" shows US DataPort's planned development with PG&E's proposed facilities superimposed to demonstrate the fundamental land use conflict. Please note that the substation, if sited in PG&E's preferred location, would entirely eliminate two large buildings, and the related transmission lines would cut across four other buildings. Figure "B" illustrates US DataPort's proposed realignment, which eliminates these land use conflicts. Figure "1" and "2" employ an aerial photograph to demonstrate the differences between the PG&E preferred location and US DataPort's proposed realignment. Since the planned US DataPort project is yet to be constructed, it does not appear in the aerial photograph. Please note that the aerial photograph is oriented with the southern portion of the project at the top of the page.

US DataPort further asks the Commission to conclude that the changes to the alignment of the substation and the transmission lines proposed by US DataPort would not result in any new or substantial adverse environmental effects beyond those addressed in the Draft. As a result, the proposed realignment advocated by US DataPort can be considered under Section 15088.5 of the CEQA Guidelines through comments on the Draft within the Commission's existing schedule for review of the PG&E project.

Full consideration and approval of the placement of the substation in the Northwestern Parcel and related changes to the transmission alignment would not introduce significant new information to the Final EIR. To a great extent, the Draft already contains information that is applicable to locating the substation on the Northwestern Parcel and to adjusting the transmission lines. Where sufficient information is not in the Draft, supplementing the Final EIR to include any such information would not introduce significant new information. The following is an assessment of the analysis included in the Draft as it would apply to US DataPort's proposal.

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1. PG&E's existing proposal includes construction of an all-weather 20 foot wide access road across the northern edge of the Northwestern Parcel (Draft EIR p. B-6). Although the Draft does not specifically address some environmental factors related to the addition of this road, some aspects of potential impacts on the Northwestern Parcel may already have been considered in the preparation of the Draft.
2. The description of Substation Construction (p. B-24) would remain unchanged if the substation were to be located on the Northwestern Parcel.
3. The Draft anticipates the use of Zanker Road and City of San Jose lands for access to the transmission lines. See, for instance, p. B-31, describing Milepost 5.1 to Los Esteros Substation. The proposed realignment would improve access to portions of the line along Zanker Road without traversing other parcels.
4. The discussion of Cultural Resources already appears to take into account potential resources on the South Bay Water Recycling Project land to the west of the proposed Los Esteros Substation site, including the Northwestern Parcel (p. C.4-7).
5. The discussion of Impacts of the Proposed Project on Cultural Resources (beginning at p. C.4-13) is generic and would not be affected by locating the substation on the Northwestern Parcel.
6. The assessment of the liquefaction potential in the vicinity of the proposed Los Esteros Substation does not appear to be focused so narrowly as to preclude the Northwestern Parcel (p. C.55-8). References to specific liquefaction concerns related to the preferred substation site focus on its proximity to Coyote Creek (p. C.5-20). The Northwestern Parcel is further from Coyote Creek, suggesting liquefaction concerns that are no greater than those at the PG&E preferred site.
7. The Draft examined the preferred site for the substation for potential chemical contamination that could impede the construction of the substation. None was found. It is not clear if this examination was limited to the footprint of the preferred location, or covered a slightly broader area, including the Northwestern Parcel (p. C.6-12).
8. Despite its proximity to Coyote Creek, the preferred substation site was found to be above the 100-year flood elevation and therefore found not to be vulnerable to flood impacts (p. C.6-25). The Northwestern Parcel is further from the creek at approximately the same elevation as the preferred site, suggesting that flood concerns for a site of its type have already been taken into account in the Draft.



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9. The discussion of increased run-off at the substation site is sufficiently general to cover the Northwestern Parcel (P. C.6-25).
10. The Draft notes that the substation would receive potable water by connecting to pipes that run along Zanker Road (p. C.6-26). A substation located in the Northwestern Parcel would be closer to Zanker Road, which would more easily facilitate a connection to those pipes.
11. The discussion in the Draft of Surface Water Quality, Groundwater Hydrology, and Groundwater Quality related to the preferred substation site (pp. C.6-26 and C.6-27) is equally applicable to the Northwestern Parcel.
12. The Draft identifies residents south of the preferred substation site as potentially sensitive receptors (p. KC.7-11). The Northwestern Parcel is further from those receptors.
13. The zoning issues related to the Northwestern Parcel are the same as those related to the preferred substation site, as set forth in the Draft (p. C.7-27).
14. The use of the Northwestern Parcel would reduce residential impacts as compared to those described in the Draft related to the preferred site (pp. C.7-43 and C.4-46).
15. The description of residential noise impacts would not change with consideration of the Northwestern Parcel, since the Northwestern Parcel is further than the preferred site from residences (p. C.8-5).
16. The description of construction noise impacts (p. C.8-15) is more than sufficient to reflect locating the substation to the Northwestern Parcel, since the most sensitive receptors are residential and the Northwestern Parcel is further from residences than is the preferred site.
17. US DataPort's proposal does not raise new relocation issues, since the Northwestern Parcel contains no residences (p.C.10-8).
18. The discussion of operational impacts in the Draft applies equally to US DataPort's proposal, as well as to the preferred site (pp. C.11-16 and C.11-17).
19. The Daft assesses visual impacts from the substation for viewers at the Zanker Road/SR 237 interchange (p. C.12-6). US DataPort's proposal would move the substation west and north. To consider placement of the substation on the Northwestern Parcel, the Final EIR should determine whether this shift would lead to significantly greater visual impacts. Any such impacts could be mitigated through appropriate use of landscaping.

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20. The Draft describes the visual impacts near SR 237 of the transmission lines as they would exist under the preferred alignment (pp. C.12-15 and C.12-16). US DataPort's proposed alignment would reduce the clutter of lines that would otherwise exist near SR 327. As such, the Draft assesses visual impacts of the lines sufficiently to account for the impacts related to US DataPort/s proposed alignment.

21. Draft Figure C.12-16 provides an artist's simulation demonstrating the impacts of constructing transmission lines along Zanker Road, as would be the case under the US DataPort proposal.

22. Table D.3-5 compares the potential environmental impacts of the proposed Los Esteros Substation with those of two other alternatives. Use of the Northwestern Parcel would yield observations consistent with those offered for the proposed Los Esteros Substation, with the following exceptions

- There is no existing greenhouse on the Northwestern Parcel.
- Construction on the Northwestern Parcel would not require the demolition of structures.
- The Northwestern Parcel is further from Coyote Creek.
- The Northwestern Parcel may be further from a potentially active fault.

Analysis of the above-cited portions of the Draft reveal that the Commission need add little new information to the Final EIR to facilitate full consideration of the US DataPort proposal. In addition, it suggests that it is unlikely that any new information that must be included to assess the US DataPort proposed realignment would be significant new information as that term is used in Section 15088.5 of the CEQA Guidelines and in related court decisions.

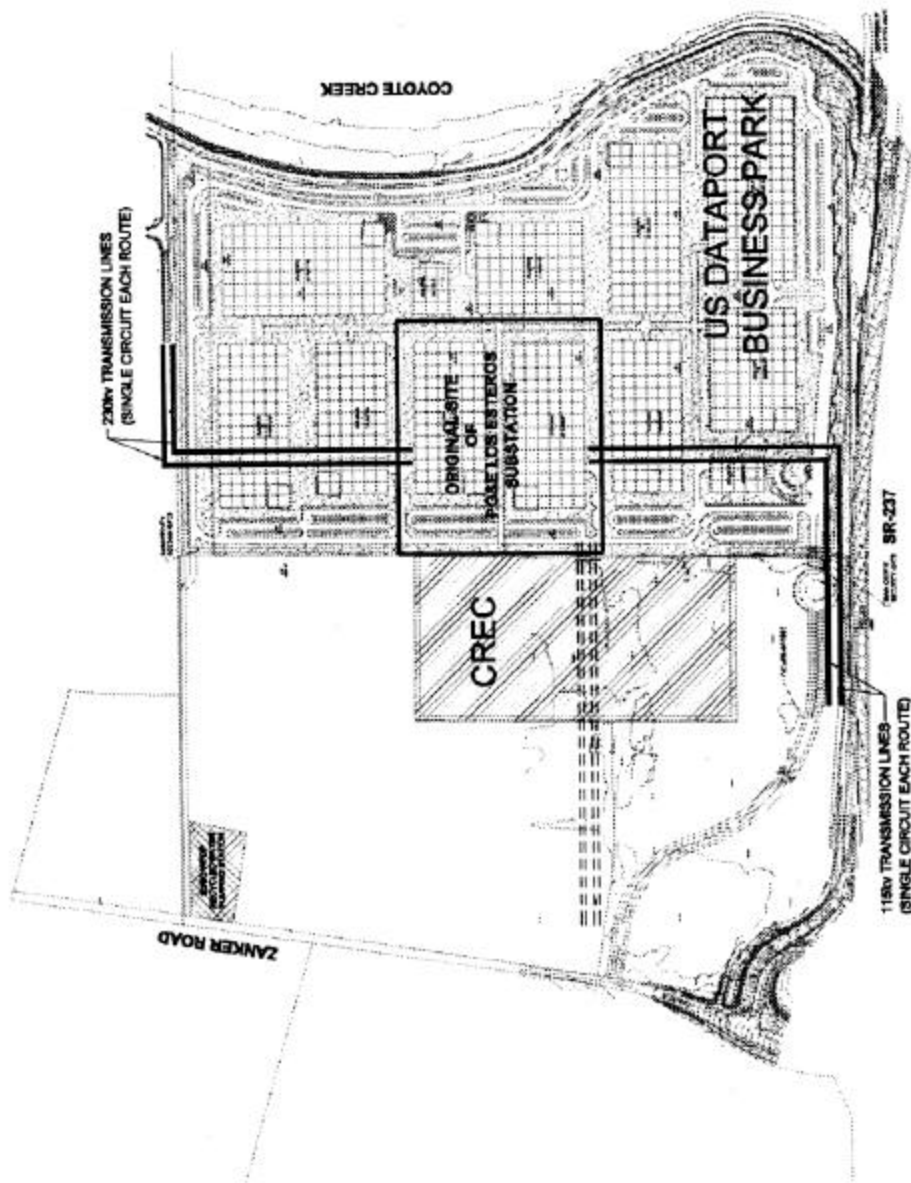
US DataPort asks the Commission to fully consider its proposed realignment and to expand discussion in the Final EIR, as necessary to accommodate such consideration. US DataPort is ready and willing to provide any additional information, as needed.

Very truly yours,

Handwritten signature of Edward W. O'Neill in black ink, followed by the initials "/by SAW".

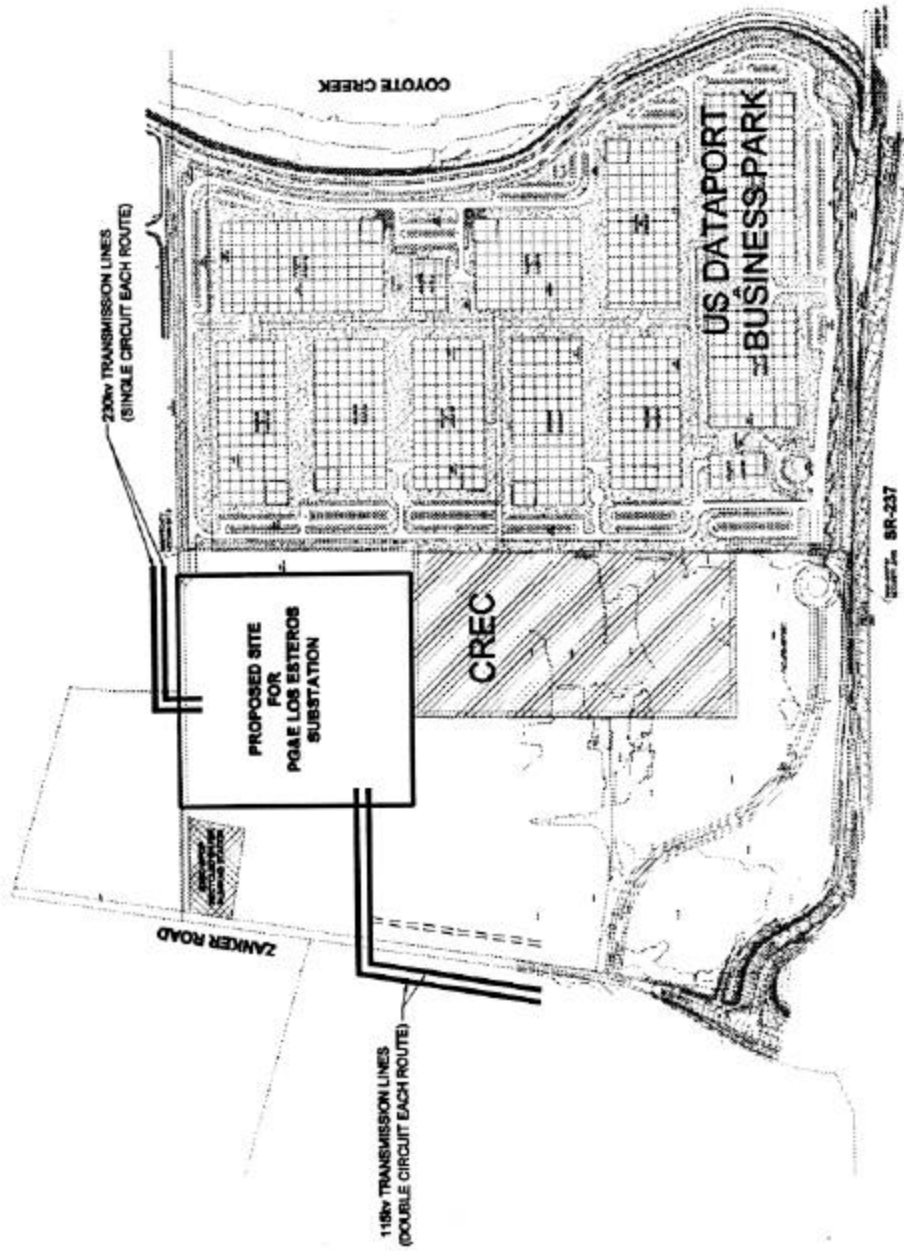
EDWARD W. O'NEILL, Of Counsel to  
Jeffer, Mangels, Butler & Marmaro LLP

EWO:saw  
cc: Service List for A.99-09-029



**ORIGINAL SITE LAYOUT FOR  
PG&E DEIR COMMENTS**

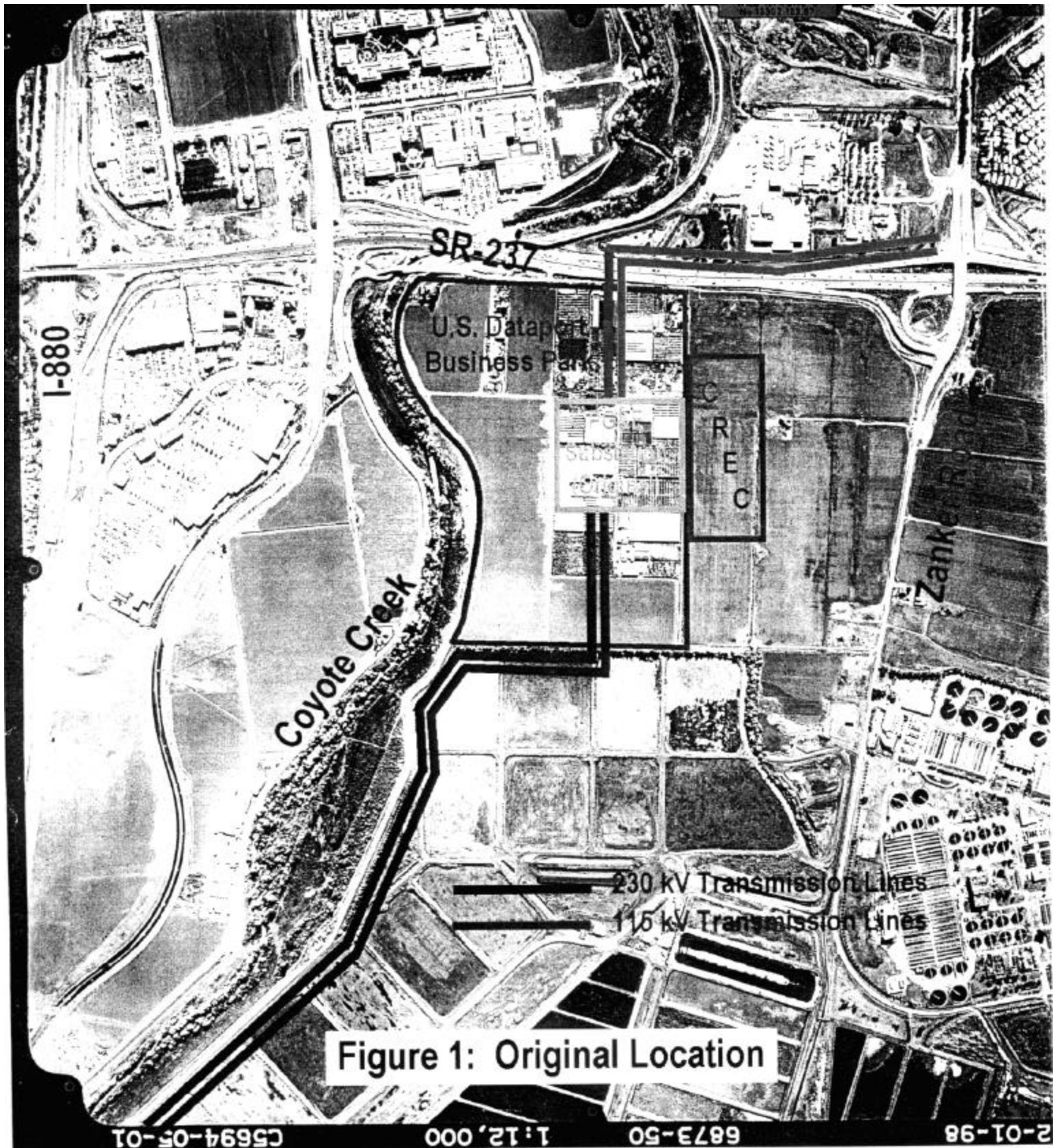
**FIGURE A**

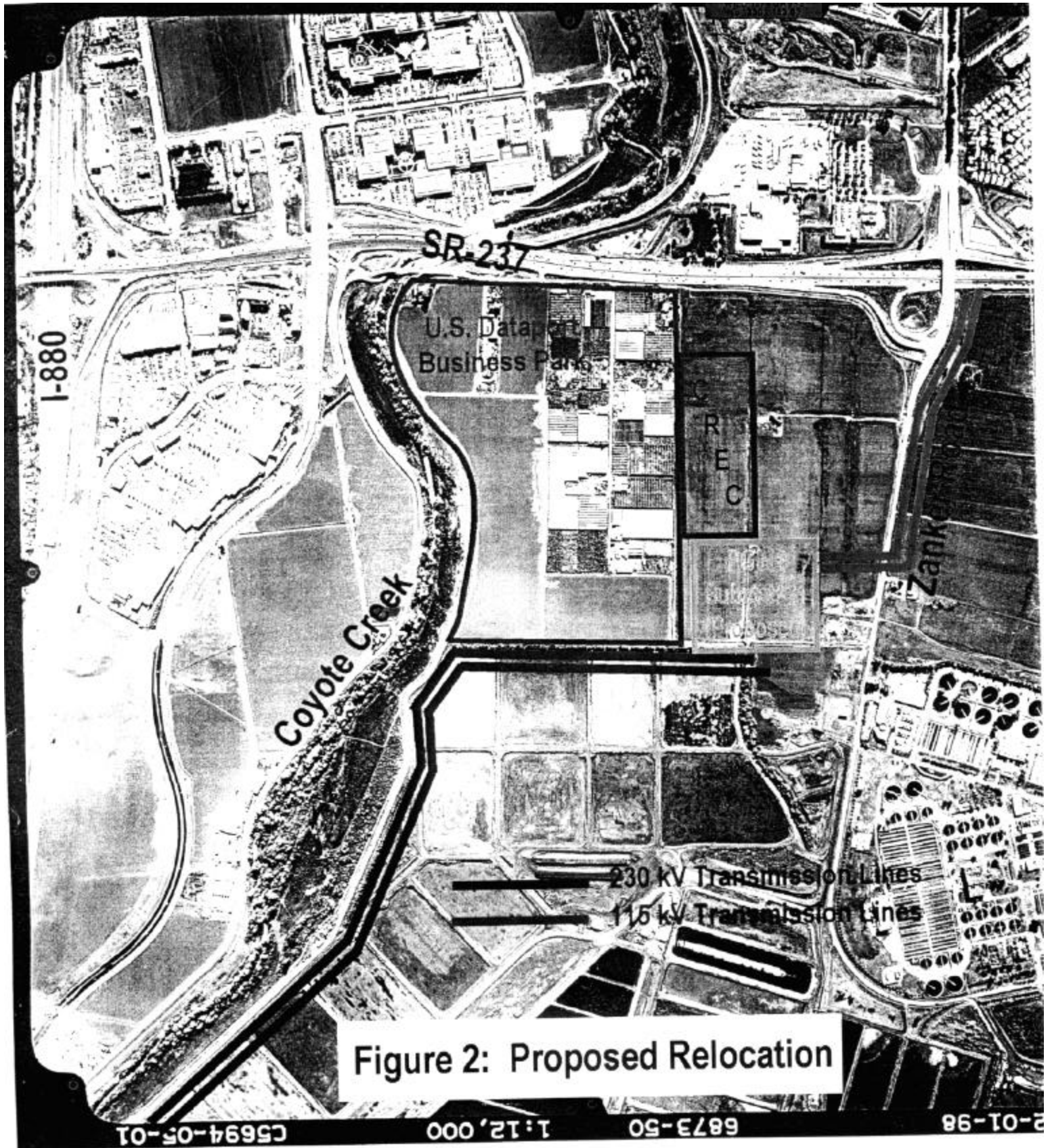


PROPOSED SITE LAYOUT FOR  
PG&E DEIR COMMENTS

FIGURE B







CERTIFICATE OF SERVICE BY MAIL AND E-MAIL

I, Anne W. Louis, certify that the following is true and correct:

I am employed in the City and County of San Francisco, California, am over eighteen years of age and am not a party within the entitled case. My business address is One Sansome Street, Twelfth Floor, San Francisco, California, 94104.

On June 27, 2000, I served the following:

**Comments on the Draft Environmental Impact Report for PG&E's Proposed Northeast San Jose Transmission Reinforcement Project**

by causing true copies thereof, enclosed in sealed envelopes with first class postage thereon fully prepaid, to be placed in a United States Postal Service mail box at San Francisco, California, addressed to all parties identified on the attached U.S. mail service list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 27, 2000 at San Francisco, California.

  
\_\_\_\_\_  
Anne W. Louis

Service List Attached

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**Filer: PACIFIC GAS & ELECTRIC COMPANY**  
**List Name: HEARING**  
**Last changed: November 24, 1999**

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## Appearance

IVOR SAMSON  
SONNENSCHN NATH & ROSENTHAL  
685 MARKET STREET, 6TH FLOOR  
SAN FRANCISCO, CA 94105

TERRI ESPARZA  
SONNENSCHN NATH & ROSENTHAL  
685 MARKET STREET, 6TH FLOOR  
SAN FRANCISCO, CA 94105

DAVID KRASKA  
PACIFIC GAS & ELECTRIC COMPANY  
LAW DEPARTMENT  
PO BOX 7442  
SAN FRANCISCO, CA 94120

MICHELLE WILSON  
PACIFIC GAS & ELECTRIC COMPANY  
LAW DEPARTMENT  
PO BOX 7442  
SAN FRANCISCO, CA 94120

## State Service

BARBARA ORTEGA  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
320 WEST 4TH STREET SUITE 500  
LOS ANGELES, CA 90013

ANDREA L BIREN  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5021  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

HENRY M. DUQUE  
CALIF PUBLIC UTILITIES COMMISSION  
EXECUTIVE DIVISION  
ROOM 5207  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

IRA R. ALDERSON  
CALIF PUBLIC UTILITIES COMMISSION  
ROOM 5132  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214



LYNN STANGHELLINI  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 4105  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

NELLIE ABRENA  
CALIF PUBLIC UTILITIES COMMISSION  
DIVISION OF ADMINISTRATIVE LAW JUDGES  
ROOM 5013  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

PAUL CLANON  
CALIF PUBLIC UTILITIES COMMISSION  
ENERGY DIVISION  
ROOM 4004  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ROBERT T. FERARU  
CALIF PUBLIC UTILITIES COMMISSION  
PUBLIC ADVISOR OFFICE  
ROOM 5303  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

ROSALINA WHITE  
CALIF PUBLIC UTILITIES COMMISSION  
PUBLIC ADVISOR OFFICE  
ROOM 5303  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

SINDY J. YUN  
CALIF PUBLIC UTILITIES COMMISSION  
ROOM 5037  
505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3214

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