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July 27, 2000

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

Re: City of Santa Clara/Silicon Valley Power Comments to the Draft Environmental Impact Report for the Northeast San Jose Transmission Reinforcement Project – CPUC Application 99-09-029

Dear Ms. Ikle:

The City of Santa Clara/Silicon Valley Power (“Santa Clara”) offers the following comments to the Draft Environmental Impact Report (“DEIR” or “Report”) released on June 6, 2000 for the Northeast San Jose Transmission Reinforcement Project (“Project”).

Santa Clara is a chartered California municipal corporation, and owns and operates an electric utility system as authorized by the California Constitution. According to the Application in this proceeding, Santa Clara is located in the Project area and is intended to be served by the proposed Project.

The Report begins with a fundamental deficiency in that the load forecasts set forth on page A-3 are not the most recent estimates of the need for electricity in the affected area. Current load forecasts exceed those upon which the Report’s assumptions were based.<sup>1</sup> Failure to use the most recent load forecasts results in an analysis that does not accurately reflect the need for the Project and threatens to result in a piecemeal analysis of the total environmental impacts of the Project when the expansions necessary to meet currently forecasted needs are implemented. Those potential cumulative impacts should be considered from the beginning.

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<sup>1</sup> A copy of Santa Clara’s estimates of the most recent load forecasts was shared with PG&E on May 26, 2000.

Furthermore, Santa Clara believes that the DEIR is inadequate in that it has failed to review the proposed Project in light of the planned and approved 115kV distribution substation to be constructed at Santa Clara's Northern Receiving Station ("NRS") site. Failure to do so negates the Report's findings that the Los Esteros Substation and Complete 230kV Route are environmentally superior.

While CEQA does not specifically require the EIR to consider impacts on an existing plan, it does require consideration of the impact of the Project on the physical conditions in the affected area. Since Santa Clara's proposed NRS construction has already been evaluated and approved by its City Council, there is every possibility that the physical conditions that will exist when the proposed Project is constructed will include Santa Clara's substation. Therefore, in order to provide a meaningful and useful analysis of the environmental impacts that the proposed Project will have on the affected area, the planned substation needs to be taken into consideration.

In section D-7, the DEIR concludes that the Northern Receiving Station is less desirable for PG&E's substation site. However, this analysis fails to acknowledge the fact that a 115kV substation with 115kV interconnection line has already been planned for construction in 2001. Failure to take into account the fact that a substation will be built at the NRS location ignores the very real likelihood of cumulative impacts in the affected area. The Report needs to analyze the environmental impacts of the NRS site taking into consideration Santa Clara's planned construction on that site. The DEIR states that the "proposed Los Esteros Substation is environmentally superior" to the alternative sites, "primarily because both alternatives would require longer transmission lines to reach the substation sites, and because the NRS substation would require construction of new lines in currently undeveloped areas between Los Esteros Road and First Street."<sup>2</sup> Table D.3-5 is a comparison of the different substations. In the table, the NRS Substation is found to have more environmental impacts on biological resources, in part due to the need for an additional 3.1 miles of new line. However, despite recognizing<sup>3</sup> that the NRS substation will be developed in the future, the Report fails to consider those plans when determining that the NRS alternative is inferior.

Likewise, Table D.3-4 provides information on the route comparison, again, failing to address the route that will be required when the already approved NRS Substation is completed. Furthermore, while the Westerly and Westerly Upgrade alternatives were found to have more environmental impacts, the Report fails to address the fact that the Westerly Upgrade Route would not require the construction of all new lines, as 115kV lines and structures already run adjacent to the NRS site.

The Report is insufficient in that it has acknowledged the planned construction of Santa

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<sup>2</sup> Draft Environmental Impact Report at p. D-7.

<sup>3</sup> Draft Environmental Impact Report at p. A-6.

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Clara's NRS Substation, yet has failed to address those impacts when evaluating the proposed Project and project alternatives. In deciding that the Los Esteros Substation and Complete 230kV Route are environmentally superior, the Report fails to address the fact that some of the environmental impacts associated with the NRS alternative and Westerly Upgrade shall occur, regardless of whether or not the Los Esteros Substation is also constructed. A comparison of the most desirable location should not be based on the NRS site as a vacant lot, but rather should reflect the planned construction.

Santa Clara believes that in order for the DEIR to be a useful and comprehensive document, is it necessary for the scope of the Report to address not only the latest electricity load forecasts in the affected area, but also planned and approved construction projects that will directly impact the affected area. The current DEIR does not do this, and is therefore not a useful tool to aid public agencies with regard to this project.

We thank you for the opportunity to provide our comments on this very important document. If you have any questions regarding the information set forth in these comments, please do not hesitate to contact either myself, or Jim Lauth at the City of Santa Clara (408-615-5607).

Sincerely,



C. Susie Berlin  
Attorneys for City of Santa Clara/Silicon Valley Power