

Decision 18-03-019 March 22, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In The Matter of the Application of
SAN DIEGO GAS & ELECTRIC
COMPANY (U902E) for a Permit to
Construct The Tie Line (TL) 695 and
TL 6971 Reconductor Project.

Application 16-04-022

**DECISION GRANTING SAN DIEGO GAS AND ELECTRIC COMPANY
A PERMIT TO CONSTRUCT THE TIE LINE 695
AND 6971 RECONDUCTOR PROJECT**

Summary

This decision grants San Diego Gas and Electric Company a Permit to Construct the Tie Line 695 and Tie Line 6971 Reconductor Project. This proceeding is closed.

1. Proposed Project

San Diego Gas and Electric Company (SDG&E) proposes to replace approximately ten (10) miles of an existing 69 kilovolt (kV) power line and remove wooden pole structures, replacing them with galvanized steel pole structures within existing power line alignments between the Talega, Basilone and Japanese Mesa substations. The purposes of the project are to increase fire safety and service reliability, eliminate a North American Electric Reliability Corporation violation and minimize adverse environmental impacts. The proposed project will not change the voltage of the power or distribution lines. The project is located primarily on federal military land in the western portion of

Marine Corps Base Camp Pendleton in San Diego County, with a small portion in the city of San Clemente in Orange County.

The proposed project construction activities will include reconductoring at existing substations. The new steel pole structures will consist of both direct-bury and foundation pole structures. New pole structures will be placed in new holes and/or set in existing holes. In addition, the proposed project will involve:

- Removing existing conductors;
- Topping existing pole structures above distribution and/or communication lines;
- Stringing new conductors onto existing structures;
- Installing new cable pole structures; and
- Placing conductors in a new underground alignment.

Construction activities will be facilitated through the use of various temporary facilities, including stringing sites, guard structures, work/staging/turnaround areas, helicopter incidental landing areas (ILAs), and staging yards. Access for construction activities will be provided by existing dirt access roads, overland travel routes and footpaths. One new dirt access road segment, approximately fifty (50) feet in length, will be required to access a proposed pole structure. Helicopters will also be used for construction, and will land as needed at ILAs and/or staging yards.

2. Procedural Background

SDG&E filed this application on April 25, 2016. On May 23, 2016, SDG&E filed a Compliance Filing including declarations of advertising, posting and mailing to affected governmental bodies and property owners to give notice of the application, as required by General Order (GO) 131-D. On May 31, 2016, a

protest was filed by the Office of Ratepayer Advocates (ORA). ORA did not specifically object to the application, but sought time to further review it.

On May 1, 2017, the Commission's Energy Division circulated the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for public review, in compliance with the California Environmental Quality Act (CEQA). The Commission also filed the Draft IS/MND with the State Clearinghouse on this date, initiating a 30-day public review period, which ended May 31, 2017. Additionally, on this date, the Commission circulated a Notice of Intent to adopt the MND for SDG&E's Permit to Construct. The availability of the Draft IS/MND was announced on the Commission's website and in local newspapers; copies of the document were made available on the Commission's website.

During the public review period for the Draft IS/MND, the Commission received six (6) comments from one state agency California Department of Transportation, two tribal governments (Pechanga Band and Rincon Band of Luiseño Indians), one local government agency (Orange County Transportation Authority) and the applicant. Some minor revisions were made to the Draft IS/MND including editorial changes, minor changes to mitigation measures and technical clarifications and corrections. Despite these minor revisions, the Final IS/MND¹ does not identify any new significant environmental impacts, and does not omit any existing mitigation measures from those identified in the Draft IS/MND.

¹ The Energy Division issued the Final IS/MND on July 7, 2017. The Final IS/MND is hereby identified as Exhibit A and received into the record of this proceeding.

3. Scope of Issues

Pursuant to GO 131-D, in order to issue a Permit to Construct, the Commission must find that the project complies with CEQA. CEQA requires the lead agency to conduct a review of the project to identify environmental impacts and ways to avoid or reduce environmental damage. These impacts and mitigating factors are considered in the determination of whether to approve the project or a project alternative. Here, the Commission is the lead agency. If the initial study shows there is no substantial evidence that the proposed project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a mitigated negative declaration or MND, subject to public notice and the opportunity for the public to review and comment.²

Prior to approving the project or a project alternative, CEQA requires the lead agency to consider the MND and corresponding comments received during the public review process. The lead agency can adopt the MND only if it finds, on the basis of the whole record, that there is no substantial evidence the project will have a significant effect on the environment, and that the MND reflects the lead agency's independent judgment and analysis.³ If the lead agency adopts the MND, CEQA also requires the lead agency to adopt a program for monitoring or reporting the changes or conditions required to mitigate or avoid significant

² CEQA Guidelines §§ 15070-15073.

³ CEQA Guidelines § 15074(a)-(b).

environmental effects.⁴ In addition, pursuant to GO 131-D and Decision (D.) 16-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation or electromagnetic field (EMF) effects using low-cost and no-cost measures.

As described previously, the Energy Division has prepared a Final IS/MND for the proposed project. Accordingly, the following issues will be determined in this proceeding:

1. Whether the application should be approved, specifically:
 - Reconductoring and power line removal along approximately 10 miles of 69 kV power line on TL 695 and TL 6971;
 - Replacing existing wooden pole structures with new steel pole structures;
 - Stringing conductor and topping pole structures above distribution and communication lines;
 - Installing a power line within a new approximately 400-foot underground segment; and
 - Installing new fiber optic cable between substations.
2. Is there no substantial evidence that the project, as revised pursuant to the final MND and Mitigation Monitoring and Reporting Plan (MMRP), will have a significant effect on the environment?
3. Was the MND completed in compliance with CEQA and does the MND reflect the Commission's independent judgment?

⁴ CEQA Guidelines § 15074(d).

4. Is the proposed project designed in compliance with the Commission's policies governing the mitigation of Electric and Magnetic Fields effects using low-cost or no-cost measures?
5. Does the proposed project pose any safety issues?

4. Environmental Impact

The proposed project will either have no significant impacts or less than significant impacts with respect to agricultural and forestry resources,⁵ air quality,⁶ greenhouse gas emissions,⁷ land use,⁸ mineral resources,⁹ and population and housing.¹⁰

The proposed project has potentially significant impacts with respect to aesthetics (nighttime lighting),¹¹ biological resources,¹² cultural, tribal cultural and paleontological resources,¹³ geology and soils,¹⁴ hazards and hazardous materials,¹⁵ hydrology and water quality,¹⁶ noise,¹⁷ public services,¹⁸ recreation,¹⁹

⁵ Final IS/MND at 3.2-1 – 3.2-10 (July 2017).

⁶ *Id.* at 3.2-1 – 3.2-10.

⁷ *Id.* at 3.7-1 – 3.7-6.

⁸ *Id.* at 3.10-1 – 3.10-8.

⁹ *Id.* at 3.11-1 – 3.11-2.

¹⁰ *Id.* at 3.13-1 – 3.13-4.

¹¹ *Id.* at 3.1-1.

¹² *Id.* at 3.1-1 – 3.1-36.

¹³ *Id.* at 3.5-1 – 3.5-36.

¹⁴ *Id.* at 3.6-1 – 3.6-22.

¹⁵ *Id.* at 3.8-1 – 3.8-22.

¹⁶ *Id.* at 3.9-1 – 3.9-20.

¹⁷ *Id.* at 3.12-1 – 3.12-20.

transportation and traffic²⁰ and utilities and service systems.²¹ However, with the implementation of the mitigation measures identified in the TL 695 and TL 6971 Reconductor Project Final MND Mitigation Measures, the potentially significant impacts are reduced to less than significant levels.²²

5. Electromagnetic Fields

The Commission examined EMF impacts in several previous proceedings.²³ The scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs, and we did not find it appropriate to adopt any related numerical standards. Given the lack of scientific consensus regarding the potential health risks of EMF exposure, and that CEQA does not define or adopt any standards to address the potential health risk of EMF exposure, the Commission does not consider EMFs in the context of its CEQA or environmental impact determinations.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A., that all requests for a Permit to Construct include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the proposed project. The Commission developed an interim policy that requires utilities, *inter alia*, to

¹⁸ *Id.* at 3.14-1 – 3.14-6.

¹⁹ *Id.* at 3.15-1 – 3.15-10.

²⁰ *Id.* at 3.16-1 – 3.16-16.

²¹ *Id.* at 3.17-1 – 3.17-8.

²² The TL 695 and TL 6971 Reconductor Project Final MND Mitigation Measures, attached hereto, are hereby identified as Exhibit B and received into the record of this proceeding.

²³ *See* D.06-01-042 and D.93-11-013.

identify the no-cost measures undertaken and the low-cost measures implemented to reduce the potential EMF impacts. The benchmark established for low-cost measures is four percent of the total budgeted project cost that results in an EMF reduction of at least fifteen percent.²⁴ In accordance with Section X.A. of GO 131-D, D.06-01-042 and the EMF Design Guidelines for Electrical Utilities (EMF Guidelines), the applicant submitted a Magnetic Field Management Plan (MFMP) as Appendix F to the application. Two no-cost magnetic field reduction measures were adopted for this project:

- For segment 3 of the project, removal of a portion of TL 695 will reduce magnetic fields at the edge of the right-of-way (ROW).
- For segment 4, re-arranging phases will reduce magnetic fields at the edge of the ROW.

There were no viable low-cost magnetic field reduction measures available for this project. This design complies with the applicant's EMF Guidelines prepared in accordance with the Commission's EMF decisions.²⁵

6. Waiver of Comment Period

Following the close of discovery, the parties reported to the Administrative Law Judge (ALJ) that hearings were no longer necessary and there were no disputed factual issues. This is therefore now an uncontested matter where the Proposed Decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

²⁴ Measured from the edge of the utility's right-of-way.

²⁵ D.93-11-013 and D.06-01-042.

7. Category and Need for Hearing

In Resolution ALJ 176-3377, issued May 12, 2016, the Commission preliminarily categorized this as a ratesetting proceeding and preliminarily determined that hearings are required. We confirm the categorization, but change the preliminary determination to evidentiary hearings are not required.

8. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Dan H. Burcham and Adeniyi Ayoade are the assigned ALJs in this proceeding.

Findings of Fact

1. The proposed project will have either no significant impacts or less than significant impacts with respect to agriculture and forestry resources, air quality, greenhouse gas emissions, land use, mineral resources and population and housing.

2. The proposed project has potentially significant impacts with respect to aesthetics (nighttime lighting), biological resources, cultural, tribal cultural and paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, transportation and traffic and utilities and service systems.

3. With the implementation of the mitigation measures identified in the MMRP included in the Final IS/MND, the potentially significant impacts are reduced to less than significant levels.

4. The proposed project does not pose any significant safety issues, and those that exist are addressed in the applicant's MMRP.

5. The proposed project is designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures.

6. The Final IS/MND was completed in compliance with CEQA.

7. The Commission has reviewed and considered the information contained in the Final IS/MND.

Conclusions of Law

1. SDG&E should be granted a Permit to Construct the Tie Line 695 and Tie Line 6971 Reconductor Project in conformance with the mitigation measures attached to this order.

2. The proceeding should be categorized as ratesetting.

3. Hearings are not required.

4. This proceeding should be closed.

5. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The applicant, San Diego Gas and Electric Company, is granted a Permit to Construct the Tie Line 695 and Tie Line 6971 Reconductor Project in conformance with the mitigation measures attached to this order.

2. The mitigation measures set forth in the Tie Line 695 and Tie Line 6971 Reconductor Project Final Initial Study / Mitigated Negative Declaration Mitigation Measures are adopted.

3. The Energy Division may approve requests by San Diego Gas and Electric Company (SDG&E) for minor project refinements that may be necessary due to final engineering of the Tie Line 695 and Tie Line 6971 Reconductor Project so long as such minor project refinements are located within the geographic boundary of the study area of the Final Mitigated Negative Declaration and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the

criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. SDG&E shall seek any other project refinements by a petition to modify this decision.

4. Application 16-04-022 is categorized as ratesetting.
5. Hearings are not required.
6. Application 16-04-022 is closed.

This order is effective today.

Dated March 22, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners