

ORIGINAL

Decision No. 73504

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Malibu Vista Property Owners
Association,
Complainant,

vs.

Southern California Edison Company,
a public utility,
Defendant.

Case No. 8678
(Filed August 23, 1967)

Earl P. Sullivan, Jr., and
Theodore T. Connors, for complainant.
Rollin E. Woodbury, Harry Sturges and
H. Clinton Tinker, by
H. Clinton Tinker, for defendant.
Thurlow O. McCoy, interested party.
Norman R. Johnson, for the Commission
staff.

O P I N I O N

Malibu Vista Property Owners Association (Association), an unincorporated association of residents and of property owners of the community of Malibu Vista, requests that the Commission require that the defendant's 66 K.V. transmission line to and from its Latigo Substation in Malibu Vista either be placed approximately 1,000 yards north of the community or placed underground.

A public hearing on the complaint was held in Malibu before Commissioner William Symons, Jr. and Examiner Rogers on October 26, 1967. At the conclusion of the hearing the matter was argued and submitted.

The size of the community of Malibu Vista was not stated at the hearing, but it appears that there are several hundred residential lots therein, the majority of which are unimproved (Exhibit 6). Approximately 85 of the lots are within a radius of 500 feet of the substation. Twenty or 21 of the lots within a radius of 1,000 yards of the substation have homes constructed thereon.

The community of Malibu Vista straddles Latigo Canyon Road, which runs approximately north and south. It is approximately three miles north of U. S. Highway 101 Alternate, also known as Pacific Coast Highway, which runs approximately east and west (Exhibit 1) and is immediately north of the shore of the Pacific Ocean in the area. The defendant is in the process of installing a 66 K.V. transmission line to and from the Latigo Substation which is being constructed approximately 150 feet west of Ocean View Drive, the first street west of Latigo Canyon Road in Malibu Vista. The transmission line is to run east and west at the point where it crosses Latigo Canyon Road. The terrain in the vicinity of the substation is steep and the power line towers will be situated on each side of Latigo Canyon Road. One tower will be approximately 150 feet west of Ocean View Drive and adjacent to the substation. The other tower will be approximately 2,000 feet east of Latigo Canyon Road. The transmission line will be suspended from the towers and will sag between the towers but will be approximately 160 feet above the ground at the closest point thereto.

Complainant's Case

Five of the residents of the community of Malibu Vista testified in support of the complaint and in addition one resident testified in rebuttal to the testimony of one of the defendant's witnesses. Exhibit 6 shows the substation and the streets in the vicinity thereof. Five of the witnesses reside on Ocean View Drive and within 600 feet of the substation. Ocean View Drive is parallel to and west of Latigo Canyon Road and terminates at a point approximately 150 feet east of the substation site. The other witness resides on Vista Place, which is east of and approximately parallel to Latigo Canyon Road.

Theodore Connors, the president of the Association, testified that approximately two years prior to the hearing, Roger Robbins, a representative of the defendant, visited three residents of the community to explain that the company intended to build the substation on a knoll within the Malibu Vista area; that the community is view-oriented; that he had been in the area for ten years; that there are 20 homes in Malibu Vista within 1,000 feet of the substation; and that he has been informed that there was a hearing on a zoning exception on July 7, 1965 to permit the substation to be built but that he did not receive any notice of the hearing. The witness further testified that Robbins was asked if there would be any overhead wires in the canyon to block the ocean view and he said there would be no overhead wires so situated.

Fumi Connors, the wife of Theodore Connors, testified that in the summer of 1965 Robbins came to her home to explain what was to be done; that he said the defendant intended to build a

substation close to her home; that there would be many trucks on the street in front of her home; that she asked where the wires would be and Roger Robbins said they would be behind the hill and there would be nothing in front of her house; that she repeated the question and Robbins again stated there would be no wires in front of her house and that there would be only a substation on the hill. She further testified that Robbins said nothing to her about the zoning variance hearing on July 7, 1965.

Sally Douglas testified that Robbins visited her the same day he saw Fumi Connors; that Robbins explained what was to be done about the substation; that she asked him about the power lines; that Robbins said, "Well, we are coming from the valley, from the north, we would run along the back of the ridges of the houses and go down the coast from the relay station"; and that Robbins said the wires would not go across their view.

Mary Prisman testified that Robbins said that there would be no atomic power plant in the area; that she asked him about the power lines; that he said that the power lines would be behind the hills, not in front of the homes; that the first time she knew there would be towers was when construction started two or three months prior to the hearing herein; that it is three miles by road to the ocean from her home but the people in the area have a panoramic view thereof; that Robbins showed her a map which did not show the power line; and that he stated the reason he was there was to see if she objected to the construction of the substation. The witness further testified that she had no recollection of receiving a notice of the Regional Planning Commission hearing but that she did not think she would recall if she received such notice as she was under the impression that there would have been nothing to object to.

On cross-examination the witness stated that Robbins advised her that the power lines to the substation would come by way of Escondido Canyon, which is west of Latigo Canyon, and the line would not be in the complainants' line of view. She said Robbins made it clear that he wanted to know if she had any objection to the substation.

Earl Sullivan, Jr., the secretary of the Association, testified that high tension cables present an additional fire hazard and that the area is a "Code 10" fire area, which is the Pacific Coast Fire Rating Bureau's worst rating. He further stated that the defendant's District Manager, Delfs Pickarts, told him that the cable was to be placed as far back from the coast as possible to alleviate the fire hazard of fog or moisture on the insulators. The witness stated that if there were a fire from a spark on the insulators or if the 2,200-foot span should break and cause a fire, the community would be cut off from Latigo Canyon which is the only escape route and that there is no fire protection in the community. He stated that if the power lines were moved back of the community they would not interfere with any other community. He said Malibu Vista contains 21 homes in an area one-half mile by one-quarter mile in size.

None of the witnesses except the complainant's secretary testified that the proposed transmission line would be unsafe and none of them testified that the proposed construction violated any statute or any Commission General Order. Simply stated, they want the transmission line moved north of the community so it will not obstruct their ocean view (Exhibit 1), or, if not so moved, placed underground.

The secretary of the Association testified that the power line would increase the fire hazard but he did not qualify as an expert in this regard.

Defendant's Case

The defendant introduced a detailed drawing of the electrical system (Exhibit 3) and the reasons why the Latigo Substation is being constructed at its present site. This testimony was for the most part immaterial as the Association conceded that the substation location was proper and raised no issue concerning the need for the transmission lines. It is sufficient for our purposes to state that the defendant is in the process of constructing the substation at the junction of two 66 K.V. lines, one from the defendant's Crater Substation in Los Angeles County and one from its Thousand Oaks Substation in Ventura County. The defendant has determined that the substation is necessary to improve the service in the area, taking into consideration the future growth thereof, among other things. The defendant estimated the present population in the service area is 20 to 25 thousand and that in 1980 it will be 250,000.

Harrison D. Fischer, Jr., the defendant's Assistant Division Manager in the Customer Service Department in its Western Division, which includes Malibu, testified that the green line on Exhibit 4 is the proposed route of the 66 K.V. transmission lines serving the Latigo Substation. This line extends from the east side of Latigo Canyon directly west to the substation and is the route the complainants have protested. He stated that the possibility of overbuilding existing distribution facilities up Latigo Canyon was considered, as was the possibility of overbuilding existing distribution facilities down Malibu Canyon and coming to the coast, along the coast and back to the substation. This line

would have to be built on wood poles, it would require approximately 30 miles of construction to approach the substation by this route, the lines would be exposed to many hazards such as vehicular traffic and falling trees and these factors would cause a less reliable service than by constructing the line cross-country. The witness stated that the particular route chosen was believed to be the most practical route. He stated that the transmission line is 30 to 35 percent complete and is scheduled for completion by December 1, 1967.

The witness further testified that if the line is constructed on the proposed route the bottom strand of transmission cable will be about 160 feet above Latigo Canyon Road and about 300 feet above Mr. Sullivan's home. The witness further testified that the cables are of aluminum and slightly under one inch in diameter and have a breaking strength of over 14,000 pounds.

He stated the cost of undergrounding the cable between the towers on each side of Latigo Canyon Road would be approximately \$900,000 and that the cost of the overhead installation between said points would be about \$25,000.

Roger Robbins, a job analyst in the Industrial Relations Department of the defendant, testified that in January, 1965 he was a member of the Community Relations Department of defendant and classified as a Community Relations Representative; that in June, 1965 he was instructed to contact Mr. Pickarts, the defendant's District Manager; that Mr. Pickarts showed him a plat map of the substation construction site (Exhibit 6) and a blueprint of the substation plans and told him that there would be a zoning variance hearing on July 7, 1965; that he was to go into the field and

explain to the people living within a 500-foot radius of the substation site the purpose of the hearing; that on June 29, 1965 he contacted Mrs. Prisman, Mrs. Connors and Mrs. Douglas; that he explained about the substation and the Planning Commission hearing on July 7, 1965; that he had no knowledge of the transmission lines and he recalled no conversation relative thereto; and that none of the people contacted appeared at the zoning hearing on July 7, 1965.

On cross-examination the witness stated that he did not recall discussing the line of the conductors to or from the substation.

Delfs Pickarts, the defendant's manager for its Santa Monica District, which includes Malibu, stated that he attended a meeting of the members of the complainant in Mr. Sullivan's home on August 18, 1967; Mr. Johnson of the Commission's staff was there, also; that he explained to the people that Mr. Robbins had been instructed to tell the property owners where the substation was to be built; that the only thing Robbins knew was that the transmission lines were coming from the north or the west; that in June, 1965 neither Robbins nor Pickarts knew where the transmission lines would go; and at the time of the August 18, 1967 meeting he knew the transmission lines would be built as they are now being constructed (Exhibit 4).

Norman Johnson, a Commission staff engineer, testified that he was present at the August 18, 1967 meeting at Sullivan's home; that Mr. Pickart was asked what knowledge Robbins had on June 29, 1965 relative to the route of the transmission lines to and from the substation and Mr. Pickart stated that when Mr. Robbins

contacted the people on June 29, 1965 the defendant had not yet obtained a right of way for the transmission line, so Mr. Robbins was informed of the tentative route assuming the right of way could be obtained; and that this route would go north to the Crater Substation and west to the Thousand Oaks Substation but that the specific route of the proposed line was not known.

Jene McKnight, a representative of the Los Angeles County Regional Planning Commission in the Exceptions and Permits Section, testified that the defendant requested a zone variance for the substation site; that on June 23, 1965 notices of a hearing to be held on July 7, 1965 were mailed to all persons residing within 500 feet of the substation site (approximately 45) and published in a newspaper of general circulation in Los Angeles County (Exhibit 5); that notices were mailed to all witnesses for the complainant (except Mr. Sullivan who did not then reside in the area); that none of the parties to whom notice was mailed appeared at the July 7, 1965 Planning Commission hearing; and that on July 20, 1965 the defendant was given authority to construct the substation subject to certain conditions. The witness said this hearing was concerned only with the substation site.

Rebuttal

George Douglas, the husband of Sally Douglas, testified that he came home on the day in 1965 when Robbins talked to his wife; that he asked Robbins if the people would see any wires and Robbins said, "Oh, no, you wouldn't see any wires; they are coming down behind, you won't see anything from your house," that the witness said, "Fine, they are not going to approach us," and Robbins said, "You are not going to see anything."

Discussion

There are some 45 property owners in the area within 500 feet of the substation and approximately two to three hundred in the Malibu Vista area. Only five of these property owners feel any damage will result to them from the installation of the transmission lines.

The attitude of the Commission is succinctly stated in Ligda v. P. G. & E. Co. (61 Cal. P.U.C. 1 at page 5) as follows:

" . . .this Commission is not the planning commission for the utilities of the State. There are few areas in California where the establishment of transmission lines and other utility facilities does not invoke the displeasure of some persons. If the utility's choice of route or location for its facilities is reasonable--in terms of aesthetics--the Commission will not substitute its judgment on aesthetics for that of the utility, even though there are other reasonable choices. The Commission should only interpose its jurisdiction in adjudging public convenience and necessity in matters relating solely to aesthetics where the proposed action of a utility is of the type which would shock the conscience of the community as a whole. This record does not present such a case."

Findings

On the evidence herein, the Commission finds that:

1. Southern California Edison Company is furnishing electricity to consumers in its Western Division, which includes Malibu Vista, through various circuits originating at its Crater Substation and its Malibu Substation. The population in the Western Division is expected to increase from approximately twenty to twenty-five thousand to 250,000 by 1980.

2. The present circuits under normal conditions are adequate, but under abnormal conditions, such as with one circuit out of service, it is difficult to maintain service. The Southern California Edison Company is in the process of constructing new transmission lines from its Crater Substation and its Thousand Oaks Substation to the Latigo Substation in the vicinity of Malibu Vista and Latigo Canyon Road to maintain continuous service and to provide for the expected growth in the Western Division.

3. The Southern California Edison Company has investigated various methods of bringing its transmission lines to the substation from its sources of supply. It determined that the only reasonable method of bringing the lines to the substation from the east is in a direct east-west line across Latigo Canyon Road as now being constructed.

4. The construction of the transmission line, as proposed by the Southern California Edison Company, is reasonable and will not unduly affect the residents of the area.

5. The transmission line as proposed to be constructed will not be unduly hazardous and will not endanger the area or the residents of the area. The proposed construction is not adverse to the public interest.

6. It would not be reasonable nor practical to construct the transmission line either underground or at a different location than that proposed by the Southern California Edison Company.

7. Complainants have failed to establish any facts which would entitle them to relief in this proceeding.

Conclusion

Upon the foregoing findings the Commission concludes that the complainants should be granted no relief upon their complaint and that the complaint should be dismissed.

O R D E R

IT IS ORDERED that the above-entitled complaint be and the same hereby is dismissed.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 19th day of DECEMBER, 1967.

[Signature]
President

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Commissioners