

ORIGINAL

Decision No. 73714

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY
for a Certificate of Public Conven-
ience and Necessity to Construct,
install, own, operate, maintain and
use a nuclear fueled power plant in
the County of San Luis Obispo together
with transmission lines and related
facilities.

Application No. 49051

ORDER DENYING REHEARING

Scenic Shoreline Preservation Conference, Inc., and the
Committee for Green Foothills having filed petitions for rehearing
of Decision No. 73278, and the Commission having considered said
petitions and each and every allegation therein, and being of the
opinion that no good cause for granting a rehearing has been made
to appear;

IT IS ORDERED that said petitions for rehearing be, and the
same are, hereby denied.

Dated at San Francisco, California, this 14th day
of February, 1968.

[Signature]
President

[Signature]
William [unclear]

[Signature]
Commissioners

*I would grant rehearing as
set forth separately
Halloway [unclear]*

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WILLIAM M. BENNETT, COMMISSIONER, DISSENTING OPINION

I would grant rehearing.

Any reliance upon this agency to preserve a dwindling coastline is entirely misplaced. Nothing has been learned from the experience at Bodega Bay where the pleas of conservationists as well as those concerned with the public safety were rejected by this Commission. Only when the Atomic Energy Commission expressed the opinion that the site was unsafe did the Pacific Gas and Electric Company give up its plans for nuclear plant at Bodega Bay.

Californians should become concerned and angry at the cavalier treatment which today's decision signifies. This proceeding is part of the conflict between those interests such as the Pacific Gas and Electric Company which sees the waters, the continental shelf, the beaches and the uplands as natural resources to be exploited regardless of the destruction of landscape or disruption of the ecology which may ensue, and those such as myself who view the coastal region as a grand and varied natural wonder of great recreational value which must be held in its natural condition. Not once has this agency resolved this conflict in favor of the preservation of the natural condition.

Looking to the Pacific Gas and Electric Company for the slightest indication of concern for the recreational needs of the people of the State of California is fruitless. Pacific Gas and Electric Company demonstrates planning which is cold in concept and ruthless in application so far as nature is concerned. And if Californians are under the illusion that somehow utility planning is going to save for them a state which is true and beautiful they need only look to the California landscape at present which is dotted and blighted with an endless string of utility poles. This is public utility planning and this is public utility apathy toward conservation.

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Planning is an uncoordinated fiasco in California today. And the choice in this case is not one between nuclear energy or no such generated power--rather it is a quarrel over an appropriate site of which there are many. It is beyond argument that Pacific Gas and Electric Company has available to it other sites along the California shore where a plant such as here proposed could easily be placed. Morro Bay comes quickly to mind. Anyone reading the sorry history of Pacific Gas and Electric Company at Morro Bay should become appalled and indignant at the devastation utility engineering and construction has wrought upon that community--unless, of course, one is indifferent to such matters as aesthetics. As one who remembers Morro Bay before the intrusion of Pacific Gas and Electric Company upon that community only memory restores what was once an area of beauty, not dominated by towering stacks and free of the tangled web of utility towers and power lines. And more importantly to the people of Morro Bay also free from air pollution. Californians should realize that the Pacific Gas and Electric Company before its arrival at Morro Bay was quick to reassure the people of Morro Bay that the plant would be a welcome addition, an assistance to county revenue requirements and a thing of civic pride. No question of air pollution was raised until that inevitable day when the community of Morro Bay became alarmed at the problems of air pollution caused by the Pacific Gas and Electric Company plant.

Since the Pacific Gas and Electric Company has already made a permanent change and permanent damage at Morro Bay it would in my judgment be a far better thing to place that nuclear plant upon property which Pacific Gas and Electric Company presently holds at Morro Bay. But no! With its almost magnetic attraction for the untouched site, the clean sand and the blue water, Pacific Gas and Electric Company selects a hitherto inviolate area, applies the blade of the bulldozer to it and then come tumbling down the ferns, the glens, the trees, the valley.

That the shoreline is dwindling is beyond argument. And that these resources belong to all generations and that it is the duty of the present generation to save such resources does not seem to me to be the subject of argument. But when there is taken into account the authorized offshore drilling by the Federal Government as was recently the case in connection with the Santa Barbara Channel, when there is considered the shoreline already given to commercial use such as oil drilling, the billboard smear of beach land, the steam generating plants of utilities and beach land now not accessible to public use for other reasons, then it can be seen that in California in 1968 there is really not that much remaining to protect.


The public interest was not represented in this proceeding by the Commission staff which made no survey of other suitable sites and which long ago and now should be locating that type of place where there should be placed all nuclear plants of all California public utilities once and for all. Let the public not be misled into the belief that its right to preservation of that which is natural is fully explored in proceedings such as this or is fought for by an active and aggressive staff participation. It is not!

There should be a moratorium on the placing of such plants until the California Comprehensive Ocean Area Plan becomes meaningful. Whether the present state administration has any interest in such a plan is certainly speculative but at least until it is clear that there is no concern for such matters, plants such as this should be directed toward the least suitable location upon the California shoreline as at Morro Bay or in the alternative denied. I would point out that I have seen Diablo Canyon. Only one such canyon is Diablo. Before any judgment permitting its destruction can be made all members of this Commission should have visited the site to make their own conclusions as to the contest between beauty and energy. It is difficult if not inconceivable to imagine a judgment on so lasting a decision as this one without personal observation of the site which is about to be destroyed.

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Californians should also be aware that the Sierra Club has no official position with reference to the placing of nuclear plants along California's shoreline. There is a popular myth that that great organization devoted to conservation is in some way the public watchdog in matters such as here. Unfortunately neither in the Bodega Bay controversy nor in the Diablo Canyon controversy has the Sierra Club come forth to present the conservation position. This is not only surprising but it is disappointing. Undoubtedly the Sierra Club or at least its decision-making members were educated by the Pacific Gas and Electric Company so that any original notion of incompatibility between a nuclear plant and Diablo Canyon was dispelled. One wonders how that great organization can ever elect now to defend against utility intrusion a future nuclear plant site. Regardless of the wonder, however, this Commissioner would hope that the Sierra Club would begin to make a spirited fight for the present generation, for future generations, for my children and yours and for their absolute right to places of beauty and recreation. I would suggest to the Sierra Club that the public utilities of California have other plans for other sites along the California coastline. I suggest to the Sierra Club and to other Californians that in the future the Pacific Gas and Electric Company will return to Bodega Bay. The date of arrival will be some time after December 31, 1968.

I would grant rehearing and would direct Pacific Gas and Electric Company to come forward with other plans for the location of a nuclear plant--but not at Diablo Canyon.


WILLIAM M. BENNETT
Commissioner

DATED: San Francisco, California
February 14, 1968