

ORIGINAL

Decision No. 77301

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into Requirements for a  
General Order on Siting of New Electric  
Generating Plants and Certain electric  
Transmission Facilities of all Electric  
Public Utilities in the State of  
California.

Case No. 9015  
(Filed January 27, 1970)

O P I N I O N

The Commission initiated this investigation on January 27, 1970 and proposed to issue a General Order to protect the environment and to better carry out the Commission's responsibilities to promote the safety, health, comfort and convenience of the public and to regulate electrical public utilities in the public interest. The proposed General Order covering Rules Relating to the Planning and Construction of Facilities for the Generation of Electricity and Certain Electric Transmission Facilities has been commented on in many letters and petitions by various cities, conservation organizations, citizens' committees, respondent utilities, and other interested parties. Among those parties making comprehensive comments were the League of California Cities, the Sierra Club, Southern California Edison Company, and Pacific Gas and Electric Company.

The Commission has considered all of the comments received. Some of the comments and the changes being made in the General Order, in going from the proposed to the adopted order,

are herein discussed in approximately the sectional sequence used in the General Order.

SECTION 1 (General)

Pacific Gas and Electric Company suggested that the General Order be clarified to refer only to overhead and not underground transmission lines and that recognition be given in the General Order to constructing facilities in a reasonably economic manner. The adopted Order refers and applies to overhead and not underground transmission lines. No specific comment is required in the General Order on economics since estimated cost data will be submitted along with evidence on all other facets of proposed generating plants and overhead transmission lines and the matter will be decided on the record of each proceeding.

A number of parties questioned the 200 kv voltage level for transmission line certification and some suggested a lower voltage level be established. This matter is discussed herein under Section 5 (Transmission Line Certification).

SECTIONS 2 & 3 (Reports On Loads And Resources)

Southern California Edison Company recommended that the reports be made open to public inspection pursuant to General Order No. 66-B and that such reports not be required to be mailed or otherwise generally distributed by the utility. The County of Orange recommended that the reports be mailed to governmental agencies listed in Section 6. The Order will be modified to include such distribution by the individual utility to governmental agencies upon their request.

The Department of Public Works has indicated that the need in planning for additional highway facilities requires early knowledge of proposed generating and transmitting facilities to make it possible to coordinate the design of the two facilities to the mutual benefit of both the utility and the Department of Public Works. Provision will be added under Section 2 of the General Order to include a list of planned transmission lines.

Pacific Gas and Electric Company recommended that modifications be made in Sections 2 and 3 which will be adopted so that one report can be submitted annually which will include ten year forecasts every year and include, in addition, every other year the twentieth year of a twenty year forecast.

SECTION 4 (Generation Certification)

The County of Orange provided comprehensive comments and recommendations which were directed primarily at additional requirements pertaining to the mitigation of pollution, particularly with respect to special studies concerning air pollution. Certain of these recommendations and those by other parties will be appropriate for consideration in specific proceedings but are too detailed to be included in a General Order covering several types of generating plants. It is, nevertheless, anticipated that applications for types of generating plants which contribute significantly to air pollution in areas where standards have been exceeded would be accompanied by comprehensive meteorological studies, by studies of the effects of the operation of other of the utilities' plants, and by other ecological studies. Consistently, the Commission will have to consider the effect on both the immediate area and regional or

basic areas covered by such studies even though it is impractical to require such specific findings except on a case-by-case basis. To the extent deemed feasible and necessary appropriate changes have been reflected in the adopted General Order.

SECTION 5 (Transmission Line Certification)

Voltage Level and Local Review

A number of parties questioned the 200 kv voltage level and some suggested that a lower voltage level be established. It should be recognized that the General Order contemplates a review with all appropriate local governmental agencies prior to a request for certification on transmission lines in excess of 200 kv. The review should be with the local agency, city or county, through which the proposed line would pass. Where cities have an interest in lines passing through adjacent unincorporated areas they may desire to coordinate with the county reviewing agency. Transmission lines in excess of 200 kv are of much greater capacity than lines with nominal voltages in use below that level (66 kv, 115 kv and 138 kv) and therefore much larger structures and greater distances are involved with the higher voltages.

Certification of lines above 200 kv will therefore cover the longer lines which it would be anticipated may pass through a number of localities. If reviews by the various local governments have not resolved the line routing, the procedures set forth in the General Order will permit an appropriate resolution by the Commission. If experience indicates that transmission line routing at lower voltages is not being satisfactorily resolved procedures exist for amending the General Order.

The City of Torrance, in addition to recommending the amendments advanced by the League of California Cities, suggests certification of substations. Such installations should be reviewed with local governments and may be brought to the Commission's attention if not satisfactorily resolved.

The City of Lafayette, in addition, suggested a requirement that cost figures be presented for placing every new transmission line underground and that consideration be given to requiring underground in each instance and earmarking a specific portion of each customer's bill for the extra cost of such undergrounding. The California Department of Parks and Recreation indicated that undergrounding of transmission and distribution systems is the objective we should be working toward. The Department recommended appropriate locations of overhead transmission systems, use of utility corridors, and other means be exploited until such time as large scale undergrounding of transmission systems is possible. The Department also recommended a study project on what other states and countries are doing with respect to transmission lines, distribution systems, and switchyards and recommended appropriate siting and landscaping of switchyards. The Commission concurs in the Department's recommendations and believes that further research and study is required rather than considering underground in each case and earmarking customer charges for underground transmission lines.

The League of California Cities and a number of other parties suggest that the Commission require the utility to receive the consent of the affected cities before proceeding with the construction of any new overhead transmission facility. While we agree that it would be highly desirable to always receive such consent, it is possible that some lines might be required where disagreement on the proper route exists between the utility and the city. It is certainly reasonable that the city have an opportunity to submit its recommendations to the Commission and the General Order will so provide in a manner similar to that recommended by the County of Orange. The Commission's decision in any such certificate proceeding would then consider all of the evidence in making appropriate findings.

Transmission Line Easements and Rights Of Way

The Sierra Club observes that the utility should not obtain future easements and then present the Commission with an application for transmission line certification. It must be recognized, however, that long-term planning may require acquisition of easements well in advance of need. Certification of rights of way or easements does not appear to be desirable.

It is incumbent upon the utility to exercise provident care when transmission line certification occurs after obtaining easements. The utility will not only have the burden of seeking new easements where a different route is deemed appropriate by the Commission, but also of meeting the prudent expenditure test for the existing easements in rate proceedings before the Commission.

SECTIONS 4, 5, 6 & 7

Time of Filing and Appropriate Notice

It has been urged by the Sierra Club that the filing date for applications be advanced from 12 months to 18 months before the date required for a decision by the Commission and that the exceptional circumstances provision be carefully delineated. Edison, on the other hand, has urged that the clause covering exceptional circumstances be extended to cover generation facilities and set forth the installation of peaking units as an example.

The Commission will maintain control over disposition of the matter in any event and expects the utilities to plan their facilities, including peaking units, in such a manner as to make the earliest practicable filing. It is anticipated that certification of generation facilities will have been preceded by review with the Resource Agency of the State of California and the proposed certification of transmission lines is anticipated to be preceded by review with local government. In view of these preliminary reviews it is believed the 12 month filing requirement will be sufficient.

The Sierra Club recommended wider and more complete notice requirements which have been reflected in the adopted General Order. The Sierra Club also recommended extension of the 30 days' notice in Section 7 to 60 days. In view of the preliminary reviews this extension does not appear warranted but in any event the Commission will maintain control over disposition of the matter, including late-filed requests by any parties.

SECTION 9

Transmission Line Certification During Transition Period

Southern California Edison Company points out that there exists at the time of the effective date of a new order a large number of facilities for which the planning and commitments by the utility have been made under the presently existing rules. It is indicated that a significant number of major transmission lines exist for which such commitments have been made but which are not necessary for operation within 12 months. Edison proposes to exempt those facilities for which construction must commence within 12 months after the effective date of the General Order.

Pacific Gas and Electric Company recommends that the Order not be applicable to any transmission line for which there is not sufficient time remaining in the completion schedule to conform to the time requirements for a Commission decision.

The proposed General Order had contemplated a compressed schedule for processing certificate applications on lines already planned and had allowed only 12 months for processing through construction on lines necessary for operation within 12 months of the effective date of the General Order.

It is the Commission's desire to have a reasonable transition period but to provide for complete local review and certification as soon as possible.

The order herein will require each utility to file a list of planned transmission facilities over 200 kv which have been planned at the effective date of the General Order and for which construction must commence within 12 months thereafter. The utility



should advise the appropriate local governmental agencies of their plans on these lines so that they will be adequately informed during the transition period.

Findings

1. An immediate need exists for a general order concerning the siting of new electric generating plants and principal overhead electric transmission facilities.

2. To fill this need the Commission initiated Case No. 9015 and invited written comments on the proposed general order which was attached to the order of investigation therein.

3. Many constructive and comprehensive comments have been received and considered by the Commission; the detailed discussion, by section, of the proposed rules on the preceding pages sets forth the basis for disposition of the principal comments received.

4. Any extension of time for further comments is unnecessary and hearings are not required.

5. The rules contained in the general order attached to this decision are reasonable and are the ones deemed essential at this time. If a need for changes appears as experience is gained in their operation, procedures exist for amending the general order.

The Commission concludes that the rules contained in the general order should be adopted and that the public interest will best be served by their early adoption.

All motions not consistent with the findings and conclusion herein are denied.

O R D E R

IT IS ORDERED that General Order No. 131 attached hereto as Appendix A be and it is adopted and shall be effective on July 1, 1970.

IT IS FURTHER ORDERED that the electric utilities subject to these rules file, within thirty days after the effective date of this order, a list, description and schedule of planned transmission line facilities over 200 kv for which construction must commence before July 1, 1971.

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

Dated at San Francisco, California, this 3rd day of JUNE, 1970.

William Sproul, Jr.  
President

Vernon L. Strigun  
Commissioner's

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GENERAL ORDER NO. 131

RULES RELATING TO THE PLANNING AND CONSTRUCTION  
OF FACILITIES FOR THE GENERATION OF ELECTRICITY  
AND CERTAIN ELECTRIC TRANSMISSION FACILITIES

Adopted: June 9, 1970      Effective: July 1, 1970

Decision No.: 77301      Case No.: 9015

Section 1. Pursuant to the provisions of Sections 451, 584, 701, 702, 761, 762, 768, 770 and 1001 of the Public Utilities Code:

IT IS HEREBY ORDERED that no electrical public utility, now subject, or which hereafter may become subject, to the jurisdiction of this Commission, shall begin construction within this state of an electric generating plant having in aggregate a capacity in excess of 50 mw or of overhead line facilities which are designed for immediate or eventual operation at any voltage in excess of 200 kv (except for the replacement of existing with equivalent facilities, or the placing of new or additional conductors, insulators or their accessories on or replacement of supporting structures already built) without this Commission's having first found, after consideration of the impact of such facilities upon the air, water, land, and other aesthetic, environmental and ecological requirements of the public and of its energy needs, that said facilities are necessary to promote the safety, health, comfort and convenience of the public, and that they are required by the public convenience and necessity.

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Section 2. Every electrical public utility shall, annually, on or before January 1, furnish a report to the Commission for its review containing a ten-year forecast of loads and resources. Said report shall describe the generating and transmission facilities of the type referred to in Section 1 hereof, which, in the judgment of said utility, will be required to supply system demands during the forecast period. The forecast shall cover the ten-year period next succeeding the date of said report, shall be made available to the public and furnished to the governmental agencies listed in Section 6 upon request. The report shall include:

- A. A tabulation of estimated peak loads, resources and margins for each year.
- B-1. A list of existing generating plants in service.
- B-2. A list of scheduled generating plants for which property has been acquired, for which certificates of public convenience and necessity have been received or for which certificate applications have been filed.
- B-3. A list of planned generating units at plant locations for which property has been acquired or at plant locations not yet acquired which will be needed to serve the additional electrical requirements and the general location of such facilities.
- C. A list of planned transmission lines on which proposed route reviews are being undertaken with governmental agencies or for which certificate applications have already been filed.

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Section 3. Every electrical public utility shall, biennially, include in the report a twenty-year forecast of loads, resources and margins.

Section 4. An electrical public utility, desiring to build such planned generation facilities referred to in Paragraph B-3 of Section 2, shall file for a certificate of public convenience and necessity not less than twelve months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period for exceptional circumstances. An application for a certificate of public convenience and necessity shall include, or have attached to it, in addition to the data required by the Rules of Procedure, the following:

- A. A statement of the reasons why and the date when completion and operation of the proposed facility will be necessary to promote the safety, health, comfort and convenience of the public.
- B. A statement of loads and resources as described in Section 2, paragraph A and appropriate information by area.
- C. Safety and reliability information including planned provisions for emergency operation and shutdowns.
- D. Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kwhr (1) at plant, and (2) including related transmission and comparative costs of other alternatives considered.

Appendix A

- E. A schedule showing the program for design, material acquisition, construction and testing and operating dates.
- F. Available site information (including maps and description, present, proposed and ultimate development) and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected.
- G. Preliminary design information, including description of facilities, plant efficiencies, electrical connections to system, and description of control systems.
- H. Description of provisions, including devices and operations, for mitigation of the effect of the proposed plant operation on air and water quality, for waste disposal, and for noise abatement. Established standards, including but not limited to, all state, regional, district or county standards shall be indicated and records and estimates of past and future performance shall be provided as well as information on other environmental aspects.
- I. Architectural concept indicating compatibility of facilities with environment.
- J. A listing of federal, state, regional, county, district, or municipal agencies from which approvals either have been obtained or will be sought covering

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various aspects of the proposed facility, and the planned schedule for obtaining those approvals not yet received.

Section 5. An electrical public utility desiring to build transmission line facilities for immediate or eventual operation in excess of 200 kv shall file for a certificate of public convenience and necessity not less than twelve months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances. An application for a certificate of public convenience and necessity shall include, or have attached to it, in addition to the data required by the Rules of Procedure, the following:

- A. A statement of the reasons why and the date when completion and operation of the proposed transmission line will be necessary to promote the safety, health, comfort and convenience of the public.
- B. A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.
- C. Proposed transmission line description and estimated cost covering tower design and appearance, heights, conductor sizes, initial and ultimate voltages and capacities, compatibility with environment.
- D. Reasons for adoption of the route selected including comparison with alternative routes.

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- E. A schedule showing the program of right-of-way acquisition and construction.
- F. A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.

Section 6. Notice of the filing of each application for a certificate of public convenience and necessity shall be given by the electrical public utility to: the county and municipal planning commissions and the county and municipal legislative bodies for each county or city in which the proposed facility will be located, the state highway engineer, other interested parties having requested such notification; and, in addition, in the case of electric generation facilities, to: the Secretary of the Resources Agency, representing the Departments of Conservation, Water Resources, Parks and Recreation, Fish and Game, and Navigation and Ocean Development, and to the Department of Public Health, to the Water Resources Control Board, to the California Regional Water Quality Control Board, to the Air Resources Board, to the Air Pollution Control District, if any, in whose jurisdiction the proposed facility will be located, to the Department of Public Works, <sup>to the Department</sup> ~~Administration~~ of Aeronautics, and to the State Lands Commission. (www)



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Said notices shall be given by regular mail not more than ten days after the filing of the application and the utility shall file a Declaration of Mailing with the Commission. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the proposed facility will be located, the first publication to be no later than ten days after filing the application.

Section 7. Those to whom notice has been sent under Section 6 hereof and any other party entitled under the Commission's Rules to participate in a proceeding for a certificate of public convenience and necessity may, within thirty days after the notice was mailed and published, request that the Commission hold hearings on the application. Any such request should include the reasons therefor. If the Commission, as the result of its preliminary investigation after such requests, determines that public hearings should be held, notice shall be sent to each party who is entitled to notice or has requested a hearing.

Section 8. If the Commission issued the certificate it shall, in determining the present or future public convenience and necessity, find that the construction of the proposed facility:

- A. Is reasonably required to meet area demands for present and/or future reliable and economic electric service; and
- B. Will not produce an unreasonable burden on natural resources, aesthetics of the area in which the proposed facilities are to be located, public health and

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safety, air and water quality in the vicinity, or parks, recreational and scenic areas, or historic sites and buildings or archeological sites.

Section 9. This General Order shall become effective on July 1, 1970. This order shall not be applicable to any generation facility for which a certificate of public convenience and necessity has already been requested, or any transmission line facility which has been planned at the effective date hereof and for which construction must commence within twelve months thereafter.

Issued at San Francisco, California, this 3rd day of June, 1970.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

  
William W. Dunlop, Secretary