

Decision No. 78676

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

City of Escondido,

Complainant,

vs.

San Diego Gas & Electric Company,

Defendant.

Case No. 8995  
(Filed November 10, 1969)

Kenneth H. Lounsbery, Attorney at Law,  
for complainant.  
Luce, Forward, Hamilton & Scripps, by  
Jack W. Crumley, Attorney at Law,  
for defendant.  
John S. Fick, Attorney at Law, and  
Arthur C. Fegan, for the Commission  
staff.

ORDER DENYING TEMPORARY RESTRAINING ORDER

San Diego Gas & Electric Company (Company) proposes to construct a 230-kv high voltage transmission line in a 300-foot-wide right-of-way through the City of Escondido (City). The City contends that the construction of such a line will damage the general public, the residents of the City, and the future growth and development of the City with its surrounding environs. The City alleges that the proposed route interferes with long-standing planned development of a portion of the City, including the development of neighborhood parks, shopping centers, and various residential areas of some 225 acres. The City seeks an injunction against the Company to prohibit it from constructing the transmission line. Public hearings in the matter are expected to begin June 17, 1971, and to continue into July 1971.

In late March 1971, the City informed the Commission that the Company was about to construct a 69-kv transmission line over a 20-foot-wide portion of the disputed right-of-way and requested a temporary restraining order to prevent the construction. Public hearing on the temporary restraining order was held April 12, 1971, before Examiner Robert Barnett in Los Angeles. At that time, the matter was heard and submitted on affidavits of the City and the Company and on additional testimony of the City and the Company. The request for a temporary restraining order will be denied.

Findings of Fact

1. The proposed 69-kv line is to connect the Escondido substation within the City to the Lilac substation outside the City. The Company's service load history indicates a summer peak in July or at the onset of prolonged high temperatures throughout the northeastern portion of San Diego County, including the areas served by the Borrego, Rincon, Lilac, Ash, and Warner substations. Major contributing factors to this peak are increased use of air conditioning and increased water pumping. There is also another load peak in December. The proposed line would complete a loop and give the Company a capability of serving the Escondido and Lilac substations from either direction.

2. There is sufficient capacity to serve the above-mentioned areas under normal load conditions assuming no outages. However, unless the proposed 69-kv line is completed and placed in service in time to meet the peak summer load in 1971, an outage between the Escondido substation and the Ash substation would result in serious thermal overload to lines between other substations. In addition to this serious thermal overload, extremely low voltage would occur at the Ash, Lilac, Rincon, Warner, and Borrego substations. Under these conditions, it would be necessary to interrupt the load at the Ash substation to correct the serious thermal overload and the low voltage at the other substations. This is an area where there is danger from brush fires which can create prolonged outages. The proposed line will reduce the possibility of thermal overload and low voltage in case of an outage.

3. If the Company is denied the right to construct the 69-kv transmission line through the right-of-way, it will construct the line through the streets of the City. Some of the hazards that will be reduced by use of the right-of-way rather than city streets are: there will be no street construction which causes customer outages during construction; there will be fewer crossings of other distribution circuits; fewer poles will be required (51 vs. 102); there will be less problems with communication cable; the shorter right-of-way route involves less exposure to outage from such hazards as trees, wind, and lightning, and requires fewer splices subject to failure and fewer insulators subject to flashover; and use of the street route requires more

angles and, therefore, more "guying" problems. Further, because the street route already has a 69-kv line on it, additional poles would have to be placed on both sides of the street to avoid putting two 69-kv lines on the same pole to prevent taking two transmission lines out of service if one pole is knocked down.

4. Cost of construction in the right-of-way is estimated to be approximately \$132,000; cost of construction through the streets is estimated to be \$312,000. By use of the right-of-way, construction can be completed on or about July 1, 1971; by use of the street, construction will be completed sometime in August.

Although good service requires the connection of the Escondido substation with the Lilac substation to bolster the electrical integrity of the Company's system in the Escondido area in order to provide backup facilities in case of outages during summer and winter peaks, it does not follow that the Company's solution to the problem is the only solution. All we are deciding in this case is that a temporary restraining order should not issue. We are not ordering the Company to build the line, nor are we suggesting that they chose the best location, all factors including environmental impact being considered. If the Company constructs the proposed 69-kv transmission line, it does so in the knowledge that this Commission has power under Sections 761 and 762 of the Public Utilities Code to order the Company to remove the line and build it elsewhere. The main case involves the construction of a 230-kv transmission line that requires a 300-foot-wide right-of-way; this application for a temporary restraining order involves a 69-kv transmission line which requires a 20-foot-wide right-of-way.

If we were to grant the temporary restraining order in this case, but in the main case decide that the Company should not be restrained from constructing its 230-kv transmission line through the 300-foot-wide right-of-way, then we would have created a situation in which the Company expended an additional \$180,000 to build a line through city streets, involving all of the hazards discussed above, which could not be completed in time to meet summer peaking problems. Further, if we found for the City in the main case, we might still find that a 20-foot-wide easement to construct the 69-kv line is appropriate.

The Commission concludes that the request for a temporary restraining order should be denied.

O R D E R

IT IS ORDERED that the request for a temporary restraining order is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11<sup>th</sup> day of MAY, 1971.

[Signature]  
Chairman  
[Signature]  
[Signature]  
[Signature]  
Commissioners