

ORIGINAL

Decision No. 79825

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of O'HANLEY B. MC ISAAC }
seeking relief from PUC Decision No. }
77187 dated May 5, 1970 regarding }
Mandatory Undergrounding of Electrical }
and Communication Public Utilities in }
the State of California. }

Application No. 52971
(Filed November 3, 1971)

Gene A. Hicks and O'Hanley B. McIsaac, for appli-
cant.

J. Bradley Bunnin, Attorney at Law, for Pacific Gas
and Electric Company; C. Edward Gibson, Attorney
at Law, for San Diego Gas & Electric Company;
Harvey Diemer, Attorney at Law, for Western
Developers Council; John G. Johnson, for
El Dorado County Board of Realtors; G. R.
Kirkpatrick, for Shingle Springs Land Company;
Alfred J. Dailey, for himself and O. W. Spanks;
P. Edgar Sterud, for himself and Gordon Kirk-
patrick; Forrest McKinley, Marilyn Salsberry,
Gary Sharp, F. E. Vandersyde, and Lester R. Will,
for themselves, interested parties.

E. R. Davidson and Timothy E. Treacy, Attorney at
Law, for the Commission staff.

O P I N I O N

Applicant O'Hanley B. McIsaac seeks a deviation from the
mandatory undergrounding provisions of the line extension rule of
Pacific Gas and Electric Company (PG&E).

Public hearing was held before Examiner Catey at Sacramento
on February 3 and 4, 1972. McIsaac and the individual (Hicks), for
whom the electric service is intended, both testified on behalf of
applicant. An engineer testified on behalf of PG&E. Numerous
interested parties presented statements of their dissatisfaction with
the mandatory undergrounding rule but did not present evidence
directly relating to the specific application being heard. The appli-
cation was submitted on February 4, 1972, subject to filing of closing
statements by February 14, 1972.

Decision No. 77187, dated May 5, 1970, in Case No. 8993, required electric and communication utilities to revise their overhead line extension rules to make them inapplicable to residential subdivisions. There had been ample evidence that the public in general objects to unsightly festoons of overhead wires and cables. They are eyesores not merely to the segment of the public being served by the ganglia of utility lines but also to those passing by on adjacent public thoroughfares.

Undergrounding was not made mandatory for line extensions to serve individuals, as opposed to subdivisions, because of the numerous hardship cases and unreasonable situations which could arise. It was not the intent, however, to permit circumvention of the mandatory undergrounding rule for subdivisions by having de facto subdivisions created through successive lot splits. In this regard, PG&E's tariffs define a tract or subdivision as:

"An area for family dwellings which may be identified by filed subdivision plans or as an area in which a group of dwellings may be constructed about the same time, either by a large-scale builder or by several builders working on a coordinated basis."

PG&E, when investigating applications for line extensions, properly attempts to prevent circumvention of the rules. If there is reasonable cause to believe that an extension will serve a de facto subdivision, undergrounding is proposed by the utility. An application can be filed with the Commission by the potential customer requesting deviation from, or a different interpretation of, the extension rules.

In this proceeding, the property to be served is not part of a formal subdivision. Within a relatively short period of time, however, the southeast quarter of Section 18, T.11N, R.9E, MDB&M, in El Dorado County, was divided into eleven parcels. The same parties were involved in many of the deed transactions. This indicated to PG&E that a coordinated plan had been used to form five or more parcels from the quarter-section.

In most other respects, the property in question does not have the attributes of a subdivision. No improved roads have been provided and no water distribution nor sewer system has been installed or planned. In fact, access to the property is only by means of a private road with a locked entrance gate. A private well has been drilled to supply the single parcel upon which a residence has been constructed. There apparently are no plans for construction of any additional homes or other improvements on adjacent parcels in the near future.

Aside from the question of whether or not the eleven lots in the quarter-section should be considered a subdivision within the intent of the line extension rules, there are other factors in this case which should be considered. When McIsaac first contacted PG&E concerning the availability of electric service, undergrounding had not yet been made mandatory. When McIsaac sold a 10-acre parcel to Hicks, who constructed a home thereon, both parties relied upon the availability of electric service from an overhead line extension. Mrs. Hicks has suffered a back injury and is deprived of the use of her new home until electric service is provided. An overhead line extension in this instance would be constructed entirely on rights-of-way through private property and would not even be visible from public roads. Rocky terrain makes undergrounding more difficult and expensive in this area.

Under the combination of circumstances hereinabove described, we need not resolve the issue of the identification of the 11-parcel lot split as a subdivision. There is sufficient justification for deviation from the mandatory undergrounding requirement even if the area properly should be considered a subdivision. The order herein grants the requested deviation.

Finding and Conclusion

The Commission finds that deviation from the mandatory undergrounding provisions of PG&E's line extension rule is justified for service to the Hicks property described in this application, and such deviation will not be adverse to the public interest. The Commission concludes that the application should be granted.

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O R D E R

IT IS ORDERED that Pacific Gas and Electric Company is authorized and directed to deviate from its line extension rules to the extent of providing an overhead rather than an underground extension to serve the ten-acre parcel identified as the NE 1/4 of the SE 1/4 of the SE 1/4 of Section 18, T.11N, R.9E, MDB&M, in El Dorado County.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st
day of MARCH, 1972.

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