

ORIGINAL

Decision No. 80201

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of F. ERIC VANDERSYDE requesting
an exception to Rule 15 regarding
underground electric extensions, in
the City of San Jose (sic).1/

Application No. 53064
(Filed December 20, 1971)

F. E. Vandersyde, for himself, applicant.
G. K. Kirkpatrick, for applicant and for himself
as interested party.
Joseph S. Englert, Jr., for Pacific Gas and Electric
Company, interested party.
E. R. Davidson and Timothy E. Treacy, Attorney at
Law, for the Commission staff.

O P I N I O N

Applicant F. Eric Vandersyde 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 Gilroy on March 16 and 17, 1972. Applicant and another subdivider testified in support of the application. An engineer for PG&E testified regarding alternative costs and methods of construction of overhead and underground line extensions to serve applicant's subdivision. The application was submitted after closing statements by counsel for PG&E and for the Commission staff, subject to the filing of a written closing statement by applicant within 14 days. An extension of time was granted at applicant's request and the closing statement was filed April 7, 1972.

1/ Applicant's city of residence was inadvertently placed in the title. The subdivision is near the City of Gilroy.

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 overhead wires and cables.

Applicant is not a professional subdivider. He states that he was forced to subdivide because of high taxes which resulted from higher assessment of his property when neighboring land was subdivided.

Applicant's subdivision is Tract No. 4974, Santa Clara County, located in the foothills about six miles west of Gilroy. It consists of only eight lots, ranging in size from about two to six acres. Access to the lots is by means of two cul-de-sacs, extending laterally and longitudinally from El Matador Drive. The terrain includes rolling to steep, lightly wooded hills. A PG&E high-voltage primary transmission line right-of-way crosses one lot at the westerly end of the subdivision.

The principal arguments presented by applicant in support of his requested deviation are:

1. The mandatory undergrounding rule is unconstitutional because it was not instituted by proper procedure, was not based upon a wide sampling of public opinion, and is arbitrary and capricious.
2. The presence of PG&E's high-voltage wires suspended on steel towers over one end of the subdivision makes the application of the mandatory underground distribution lines manifestly ridiculous.
3. The area is rural, being over six miles from downtown Gilroy, with a forest on one side, a mountain on another side, and a neighboring lot-split subdivision with poles and overhead residential distribution lines on the remaining side, hence the undergrounding of the extensions to applicant's subdivision would contribute nothing aesthetically.

4. Because of large lot sizes, the distances between houses are relatively long, the cost of roads, water lines and other amenities is relatively high and the cost of undergrounding, in addition, is unfair and unreasonable.
5. Subsurface transformers are more hazardous than pole-top transformers.
6. It is un-American and unfair to have two ruling bodies in the matter of undergrounding, i.e. this Commission and the County of Santa Clara.

In regard to the procedure used in promulgating the requirement for undergrounding line extensions to serve residential subdivisions, the hearings in Case No. 8993 were given widespread publicity and all parties were given ample opportunity to appear and present their views. The record was reviewed carefully by the Commission before a decision was rendered. We do not concur with applicant's statement that Decision No. 77187 was arbitrary and capricious.

In regard to the presence of PG&E's high-voltage transmission line over one end of the subdivision, we concede that undergrounding the distribution system is not as essential aesthetically for applicant's subdivision as it is for subdivisions developed at a distance from existing transmission lines. The transmission lines, however, are relatively high and the supporting towers are far apart, whereas overhead distribution lines would be closer to eye-level and require closer spacing of poles than do the transmission lines. Further, with the cul-de-sac access roads, the service lines extending to the various lots would form a spider web of wires from the terminal poles of an overhead distribution line.

In regard to the rural nature of the surrounding area, we do not consider that poles and overhead distribution wires and service wires look better against a rural background of natural environment than they do against a city background of man-made structures. There are, of course, fewer people who have to look at them in the country than in the city.

Unfortunately, whether the distribution lines to applicant's subdivision go underground or overhead, existing lines on approach roads to the subdivision are overhead. If we were to consider this fact alone to be justification for further overhead lines, progress toward eventual undergrounding of most distribution lines would be thwarted.

In regard to the contention of excessive cost of undergrounding, applicant declined to give any figures on his other costs of development which would show whether the extra cost of undergrounding would be a minor or major part of total development cost. Applicant testified, however, that the development work included such items as grading, road building, paving and contribution of one-half the cost of a mutual water company main extension. Testimony by a PG&E engineer shows that the difference between the cost to applicant of an overhead and an underground extension would be about \$5,000, about half of which is subject to refund as customers are connected to the system. A joint trench will be shared with Continental Telephone Company of California. Even without considering potential refunds, the difference in cost for applicant's subdivision would be about \$210 per acre, or an average of \$630 per lot. There is nothing in the record to show that this is an unreasonably large incremental cost for applicant's subdivision.

In regard to applicant's claim that subsurface transformers are inherently more hazardous than pole-top transformers, the record indicates that PG&E's underground construction practices have not caused any significant problems with safety. The situation applicant fears, an explosion and scattering of burning oil, is unlikely. Even if it occurred, scattering of burning oil from a pole-top transformer would seem to be as objectionable as the hazards which could occur in a subsurface mount.

In order for applicant to obtain an overhead extension to his subdivision, he must obtain the authorization requested in

this application and also must obtain authorization from Santa Clara County to deviate from the county's Land Development Regulations (Exhibit C). Applicant has attempted unsuccessfully to obtain approval by Santa Clara County. He is of the opinion that approval was denied because of the additional question of obtaining the authorization of this Commission. We note that Section 12.1.7-26 of the county's regulations exempts subdivisions with lots larger than 40,000 square feet from the undergrounding requirements where the extra cost of undergrounding exceeds \$250 per acre. The \$210 per acre extra cost thus does not qualify applicant for an automatic exemption by the county.

Findings and Conclusion

The Commission finds that:

1. Applicant is the subdivider of Tract No. 4974, Santa Clara County, consisting of eight lots, ranging in size from about two to six acres.
2. The tariffs of PG&E prohibit an overhead extension of electric lines to serve Tract No. 4974.
3. Applicant has not shown that the underground extension of electric lines to serve Tract No. 4974 is unreasonable.

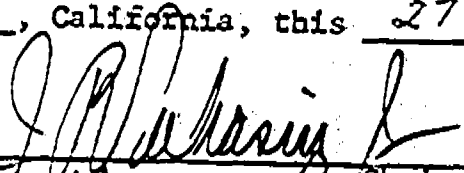
The Commission concludes that the application should be denied.

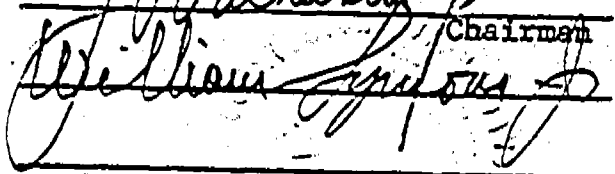
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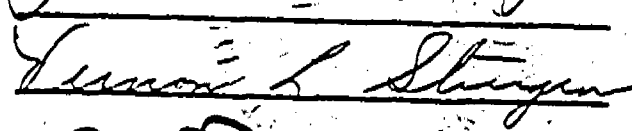
IT IS ORDERED that Application No. 53064 is denied.

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

Dated at San Francisco, California, this 27th
day of JUNE, 1972.



Chairman




Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.