

ORIGINAL

Decision No. 80388

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MILTON L. BURNHAM
and GOLDIE M. BURNHAM, his wife,
for deviation from mandatory
underground requirements.

Application No. 53243
(Filed March 31, 1972)

George A. Huberty, Attorney at Law, and Milton Burnham, for applicants.
Frederick T. Searls, Malcomb H. Furbush and
J. Bradley Bunnin, Attorneys at Law, for
Pacific Gas and Electric Company, interested
party.
James Cherry, Attorney at Law, and Charles Louderback, for the Commission staff.

O P I N I O N

Applicants Milton L. Burnham and Goldie M. Burnham seek a deviation from the mandatory undergrounding provisions of the line extension rules of Pacific Gas and Electric Company (PG&E).

Public hearing was held before Examiner Catey at San Andreas on June 13, 1972. Mr. Burnham testified on behalf of applicants. An engineer for PG&E testified regarding alternative costs and methods of construction of overhead and underground line extensions to serve applicants' subdivision. Notice of hearing had been sent to officials of Calaveras County but the County did not take any position on this application. The application was submitted after closing statements by counsel for applicant, PG&E and the Commission staff. The transcript has been filed and the matter is ready for decision.

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 new residential subdivisions.

Applicants' subdivision is a 100-acre tract known as Lakewood Pines, consisting of 35 lots of two or more acres each.

It is located on Independence Road, a narrow back road extending between the Mokelumne Hill-Glencoe Road and the Railroad Flat-Wilseyville Road in Calaveras County. Independence Road runs through the center of the subdivision and will remain open for public travel. All other roads in the subdivision will be private roads closed off by gates at the junctions with Independence Road. Two separate pole lines, one each for electric and telephone lines, already extend along Independence Road from the southeast to the northwest corners of the tract.

Applicants do not plan to pave the private roads in the tract nor to provide water, sewer or gas lines. Each lot purchaser will develop his own private well and construct a septic tank. Applicants are awaiting this decision before determining whether or not they will provide electric lines to serve those lots not fronting on Independence Road. Applicants contend that the extra cost of underground lines would be prohibitive.

The Commission finds that:

1. Existing overhead electric and telephone lines run through the center of applicants' subdivision.
2. The additional overhead lines requested by applicants will be along private roads.
3. No trenches will be dug in the private roads for water, gas or sewer lines.
4. Under the conditions hereinabove described, there would not be significant aesthetic advantages to the public in extending power lines on the private roads underground rather than overhead, the applicability of mandatory undergrounding provisions of PG&E's tariffs would therefore be unjust, and the requested deviation would not be adverse to the public interest.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that Pacific Gas and Electric Company is authorized and directed to deviate from its filed line extension rules to the extent of extending additional overhead lines from existing overhead power lines in Lakewood Pines Subdivision.

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

Dated at San Francisco, California, this 29th day of AUGUST, 1972.

Simon L. Sturgeon
President
William Symons
J. Williams
Commissioners

I will file a dissent.
Thomas Moran


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COMMISSIONER MORAN, Dissenting.

I dissent because this decision represents a major retreat from the policy previously established by this Commission to require ultimate undergrounding of utility lines in residential subdivisions.

The facts in this case make this retreat unusually regrettable in my judgment, as the subdivision consists of thirty-five spacious lots, totaling 100 acres in area and will therefore unquestionably by its nature become a residential area of luxury homes and the residents will not only be able and willing to pay the modest extra cost of undergrounding but indeed desirous of doing so. It will then be too late to change to undergrounding except at a greatly increased cost to the residents.

August 29, 1972
San Francisco, California


Thomas Moran
Commissioner