

ORIGINAL

Decision No. 80389

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PAUL L. ADAMSON,
an individual, requesting a
deviation from the mandatory
undergrounding requirement of
Rule 15.1 to provide electric
service to residences in the
Sierra Knoll Estates Tract
located in Nevada County, Cali-
fornia. }

Application No. 53298
(Filed April 28, 1972)

Paul L. Adamson, for himself, applicant.
Frederick T. Searls, Malcomb H. Furbush and ✓
J. Bradley Bunnin, Attorneys at Law, for
Pacific Gas and Electric Company, inter-
ested parties.
James Cherry, Attorney at Law, and Charles
Louderback, for the Commission staff.

O P I N I O N

Applicant Paul L. Adamson seeks a deviation from the man-
datory undergrounding provisions of the line extension rules of
Pacific Gas and Electric Company (PG&E).

Public hearing was held before Examiner Catey at Nevada
City on June 14, 1972. Applicant and a real estate agent testified
on behalf of applicant. An engineer for PG&E testified regarding
alternative costs and methods of construction of overhead and under-
ground line extensions to serve applicant's subdivision. Notice of
hearing had been sent to officials of Nevada County. The general
opposition by the County to mandatory undergrounding in large-lot
subdivisions was presented in letter form as Exhibit No. 5. The
application was submitted after closing statements by applicant and
by counsel for 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.

Applicant's subdivision is a 1,200-acre tract known as Sierra Knolls Estates, consisting of 29 parcels of 40 to 49 acres each. The tract is exempted from the requirements of the State Subdivision Map Act because of the large lot size but, under the broader definition^{1/} of "subdivision" in the tariffs of electric utilities, the area is considered to be a subdivision in applying the provisions of line extension rules.

Sierra Knolls Estates is located in Nevada County between Auburn and Grass Valley. The entrance to the subdivision is about three miles east of State Highway 49, on Magnolia Road. Leaving Highway 49, the road is a narrow two-lane street. It is black-topped for part of the way to Sierra Knolls Estates, but the surface quality declines to an oiled road and finally to a rocky gravelled road. All of the roads in the subdivision will be private roads closed off by locked gates at the two junctions with Magnolia Road. Overhead power lines already extend along Magnolia Road fronting the subdivision. Another overhead electric line, extended many years ago, cuts across three of the present lots.

Applicant does not plan to pave the private roads in the tract nor to provide water, sewer or gas lines. Each lot purchaser will presumably develop his own private well and construct a septic tank when building a residence. Applicant contends that the extra cost of underground lines would be prohibitive and would seriously hamper their ability to develop their property herein involved. The record does not disclose any evidence to the contrary.

^{1/} "An area for family dwelling which may be identified by filed subdivision plans ..." (Emphasis added.)

Applicant is not a professional subdivider. He acquired the land in 1960, with the intention of retaining the entire property. A 10-fold increase in property taxes since 1960 made this financially unfeasible. In 1968, he attempted unsuccessfully to resell the property as a single parcel. In 1970, he resorted to dividing the property into the present parcels to provide a means of sale. He sold seven of the lots before the mandatory underground provisions of line extension rules became effective, but has been unable to sell any additional lots since then. He believes that the mandatory undergrounding provisions have been a major deterrent to sales. He has no plans to construct homes on the lots, other than perhaps one residence for his own use.

The Commission finds that:

1. Sierra Knolls Estates is not a subdivision for purposes of the State Subdivision Map Act but is a subdivision as defined in PG&E's tariffs.
2. Overhead lines in all but a small portion of Sierra Knolls Estates where three lots front on Magnolia Road would not be visible to the general public without leaving public roads and entering the private roads in the tract through one of two locked gates.
3. Overhead electric lines are already installed on Magnolia Road in front of the subdivision and also across three of the lots within Sierra Knolls Estates.
4. Under the conditions hereinabove described, 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 the mandatory undergrounding provisions of its line extension rules to the extent of providing an overhead line extension or extensions in Sierra Knolls Estates, Nevada County.

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

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

Vernon L. Sturgeon
President
William J. ...
...
...
Commissioners