

Decision No. 80722

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for a deviation from  
the Commission's mandatory underground  
power requirements established in  
Decision No. 77187.

Application No. 53444  
(Filed July 10, 1972)

OPINION AND ORDER

Applicant North American Towns, Inc., seeks exemption from the mandatory undergrounding provisions of the line extension rules of Pacific Gas and Electric Company.

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 property consists of 24,525 acres of land divided into 511 parcels with an average size of 48 acres and a minimum size of 40 acres. It is located in Shasta County, a few miles east of Redding, between Highway 44 and the Tehama-Shasta county line. The property has been used primarily as winter grazing land. It is very uneven in topography and applicant states that it does not lend itself to small lot division in the future. The parcels will be offered for sale for ranch and recreational uses. Individual purchasers will be required to develop their own water supply and sewage disposal.

Applicant further states that the Shasta County zoning on the property is A-1 TB-5, which means light agriculture, permitting trailers, and having a minimum parcel size of 40 acres. No further division of any parcel is permitted except with explicit Shasta County review and approval. In this regard, the Chairman of the Shasta County Board of Supervisors has advised by letter dated September 25, 1972 (hereby received as Exhibit No. 1) as follows:

"...the Board of Supervisors has confirmed that the 40-acre zoning placed on the Battle Creek Subdivision is intended to preclude further division of the parcels in the foreseeable future.

"We therefore have no objection to the granting of a waiver of your requirement for underground electrical service."

In Decision No. 80169, dated June 20, 1972, in Application No. 53049, the Commission found that a group of seventeen parcels, each in excess of 40 acres, in an area zoned for combined agricultural and residential use, was not a "new residential subdivision" or "new residential development" as defined in PG&E's tariffs, and thus did not fall within the mandatory undergrounding provisions. We can conceive, however, of a situation where an area might be going through a transition from agricultural to residential use and where the establishment of 40-acre parcels would be merely an interim step precedent to further subdivision where undergrounding would be feasible. Exhibit No. 1 gives adequate assurance that such is not the case in this application.

Under these circumstances, the Commission finds that the property hereinbefore described is not a "new residential subdivision" or "new residential development" as defined in PG&E's tariffs. The Commission thus concludes that the relief requested by applicant does not constitute a deviation from PG&E's tariffs.

A public hearing is not necessary.

IT IS ORDERED that the property designated on Tentative Parcel Map No. 1-72 of Shasta County shall not be considered a "new residential subdivision" or "new residential development" for the purpose of applying the line extension rules of Pacific Gas and Electric Company.

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

Dated at San Francisco California, this 14<sup>th</sup> day of NOVEMBER, 1972.

Vernon L. Sturgeon  
President  
William H. Sturgeon  
William H. Sturgeon  
William H. Sturgeon  
Commissioners