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ORIGINAL

Decision No. 80864

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion to adopt statewide plan and schedule for the undergrounding of all electric and communication distribution systems in proximity to state scenic highway pursuant to Public Utilities Code Section 320.	Case No. 9364 (Filed April 18, 1972)

(See Appendix A for Appearances)

O P I N I O N

This investigation was opened by the Commission to implement Section 320 of the Public Utilities Code, relating to the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any designated state scenic highway. The full text of Section 320 is set forth hereinafter in Appendix B.

Public hearing was held before Examiner Catey at San Francisco on October 19, 1972. In response to a request included in the hearing notice, most of the parties who presented statements of position submitted them in written form, with extra copies available at the hearing for study by other parties. The written statements were received as exhibits and all parties were given an opportunity to present an opening statement orally if they had not prepared a written statement or if they wished to summarize or elaborate on their written statements. After the parties had reviewed the various statements, witnesses were made available by those parties whose presentations included data or photographs which needed additional explanation.

Several parties then presented oral closing statements and the matter was submitted subject to receipt of a written closing statement by a party who had been unable to attend the afternoon session of the hearing. That statement was filed October 30, 1972, the hearing transcript has been filed and the matter now is ready for decision.

Issues and Questions

A review of Section 320 and the statements of the various parties relative to its implementation discloses the following issues and questions:

1. Who should determine whether undergrounding in any instance is "feasible and not inconsistent with sound environmental planning"?
2. Does the undergrounding requirement apply to municipally owned electric systems as well as privately owned?
3. What facilities should be included in "distribution" and thus be subject to the undergrounding requirement?
4. Are replacements and relocations subject to the undergrounding requirements?
5. How close is "in proximity"?
6. Which highways are "designated scenic highway(s)"?
7. How obtrusive must facilities be to be considered "visible" from a scenic highway?
8. What "statewide plan and schedule" would be reasonable to implement Section 320?
9. How can the Commission best "coordinate its activities regarding the plan with local governments and planning commissions concerned"?
10. How can the Commission best "require compliance with the plan upon its adoption"?
11. Who should bear the cost of undergrounding?
12. Should greater use be made of highway rights-of-way for undergrounding?
13. Should more stringent undergrounding requirements be prescribed now by the Commission than are covered by Section 320?

Exceptions and Deviations

Section 320 includes the following qualification as to its applicability:

> "..., whenever feasible and not inconsistent with sound environmental planning, ..."
> (Emphasis added.)

It is apparent that the Legislature recognized that there could be situations where undergrounding would not be feasible or would conflict with other environmental objectives. Some examples of such situations are cited by Pacific Gas and Electric Company (PG&E) in Exhibit No. 2, by The Pacific Telephone and Telegraph Company (TPT&T) in Exhibit No. 3, by San Diego Gas & Electric Company (SDG&E) in Exhibit No. 4, and by Southern California Edison Company (SCE) in Exhibit No. 5.

The Commission staff recommended that situations such as those cited by the utilities should be handled as "deviations" from whatever undergrounding requirements are prescribed. That is, the situation would be reviewed by the Commission in each instance and, where warranted, individual deviations would be authorized.

The utilities generally recommended that situations such as those they cited should be handled as "exceptions" to whatever general undergrounding requirements are prescribed. That is, the requirements would either set forth specifically exempted situations or list broader categories of exempted situations in which the utility, rather than the Commission, would evaluate the feasibility or desirability of undergrounding.

Administratively, it would of course be much simpler and would avoid possible construction delays to adopt the "exceptions" approach advocated by the utilities. Eventually, after we have the benefit of information on actual problems experienced in implementing the undergrounding requirements, there may well be some exceptions than can reasonably be written into revised requirements. At this stage of the proceeding, however, the "deviations" approach recommended by the Commission staff will give better assurance that the intent of Section 320 is being fulfilled.

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution. Local governments' participation in the review process is set forth hereinafter under the heading "Coordination with Local Government."

At an appropriate future date, this proceeding may be reopened to evaluate the experience obtained under the initial requirements prescribed by this decision. This is similar to the procedure followed by the Commission in prescribing mandatory undergrounding for new residential subdivisions and for commercial and industrial developments. Various decisions in Case No. 8993, this Commission's investigation into mandatory undergrounding of extensions, prescribed individual Commission review of each proposed deviation. Clear-cut cases of reasonable deviations are granted by resolution following letter requests or by ex parte order following formal application. Potentially controversial formal applications for deviations are heard and appropriate decisions rendered in each instance. On November 14, 1972, the Commission reopened Case No. 8993, to determine whether or not some general guidelines for possible deviations now can be established.

It is worthy of note that extension of distribution lines to new residential developments, commercial developments, and industrial developments already are required by the rules of privately owned utilities to be installed underground. Extension of distribution lines to individuals or to agricultural developments are not covered by the present mandatory undergrounding provisions of filed rules, unless the utility maintains or desires to maintain underground distribution facilities for its operating convenience or in compliance with applicable laws, ordinances, or requirements of public authorities.

Jurisdiction

Section 320 states:

"...it is the policy of this State to achieve, ...the undergrounding of all future electric and communication distribution facilities which are..."
(Emphasis added.)

> ". . . The commission shall prepare and adopt...a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy..." (Emphasis added.)
>
> ". . . The commission shall require compliance with the plan upon its adoption. . . ."

It is apparent that the Legislature did not distinguish between distribution facilities owned by public utilities normally under the Commission's jurisdiction and identical facilities owned by political subdivisions.

The City of Anaheim argues, in Exhibit No. 6, that this Commission does not have jurisdiction over that city's electric system operations. In Exhibit No. 7, League of California Cities states that it does not concede that this Commission has jurisdiction over publicly owned utilities.

Anaheim's argument is two-fold. It contends (1) that the Legislature does not have the authority to vest in this Commission jurisdiction over municipally operated electrical distribution systems, and (2) that the Legislature was aware of this when Section 320 was enacted and thus intended that municipally owned systems would be exempt.

Regarding the legality of the Legislature's conferring on this Commission the limited jurisdiction of this phase of the operation of municipally owned electric system, Anaheim contends that Sections 22 and 23 of Article XII of the Constitution cannot be construed to give the Legislature authority to confer upon the Public Utilities Commission the power to regulate municipal corporations operating municipally owned public utilities. Anaheim argues that its position is supported by City of Pasadena v. Railroad Commission (1920) 183 Cal 526, 192 P 25, and that the Commission's jurisdiction over safety rules and regulations of a public agency in Los Angeles Metropolitan Transit Authority v. Public Utilities Commission (1963) 50 Cal 2d 863, 31 Cal Rptr 463 was upheld only because the Court found that the phrase "every common carrier" used in Article XII, Section 23 of the Constitution meant both privately owned and publicly owned common carriers.

A review of LAMTA v. PUC (supra) indicates that the reference to "common carrier" was not the sole basis, nor even the primary basis, for the Court's reversal of Pasadena v. RRC (supra). The Court discussed at some length the concept that the absence of a constitutional prohibition against the Legislature's conferring jurisdiction was the basic point and that the reference to the phrase "every common carrier" was cumulative argument. Also, the Legislature historically has, on occasion, conferred upon this Commission limited jurisdiction over municipally owned utilities other than common carriers. For example, the applicability of overhead line construction safety standards are specifically provided by Section 8002 of the Public Utilities Code to cover a broad spectrum of entities, including political subdivisions of the state, a county, or a city. (See, Sections 8037, 8056.) We thus cannot conclude that the Legislature exceeded its authority in enacting Section 320.

Regarding the intent of the legislation in Section 320, the use of the word "all" can reasonably be interpreted only as including facilities of municipally owned utilities along with those of privately owned utilities. If the Legislature had decided that the Commission should not regulate overhead electric distribution facilities owned by municipalities, a less categorical adjective than "all" would presumably have been adopted. Logically a statewide plan to improve the aesthetics of the environment in regard to overhead electric distribution facilities must include all facilities, public and private, in order to achieve its objectives.

Types of Facilities Covered

Section 320 states:

"...to achieve...the undergrounding of all future electric and communication distribution facilities which are..."
(Emphasis added.)

"...plan and schedule for the undergrounding of all such utility distribution facilities..."
(Emphasis added.)

League of California Cities recommends in Exhibit No. 7 that the scope of this proceeding be expanded to include transmission lines as well as distribution lines. Due process would require notice to all parties of the broadened scope of the proceeding and an opportunity for all affected parties to present evidence in support of or in opposition to the League's position. When this proceeding is reopened for review and possible modification of requirements for distribution facilities, consideration can be given to the possible expansion of the scope of the proceeding to include electric transmission lines or other items beyond the requirements of Section 320.

The tariffs of privately owned electric utilities are similar but not necessarily identical in their definitions as to where transmission facilities stop and distribution facilities begin. In general, facilities at potentials above a designated voltage are defined as "transmission", those below the designated voltage are defined as "distribution". The dividing line is generally in the range of 12,000 to 33,000 volts, depending upon the historical design characteristics of the system involved. A staff engineer testified that it would be preferable not to prescribe a uniform dividing line between "transmission" and "distribution" facilities which would unavoidably conflict with the already-established definitions in some utilities' tariffs. We agree.

The rules of municipally owned electric utilities are not normally on file with this Commission. The order herein will require the governing bodies of those electric systems to advise this Commission of the definition of "distribution" in their rules. If there are unreasonable differences in the definitions, the Commission staff could assist the respondents in preparing more uniform definitions. If no agreement is reached, an overriding definition could be prescribed by supplemental order in this proceeding for the limited purpose of enforcing Section 320.

Under the voltage delineation between "transmission" and "distribution" facilities, those parts of the electric system to and including the step-down transformers with primary voltages at transmission levels would not be considered "distribution". Lines and cables extended from the secondaries of those transformers, and additional transformers having primary and secondary voltages both below transmission levels would be considered "distribution".

PG&E points out in Exhibit No. 2 that substations, padmount transformer facilities, and similar padmount equipment are not now required to be installed underground, even where underground line extensions are mandatory. PG&E suggests that this same approach be adopted in this proceeding. Similar recommendations are made by SDG&E in Exhibit No. 4 and by SCE in Exhibit No. 5. Under the interpretation discussed in the preceding paragraph only those substations, transformers, and other equipment operating at voltages above distribution level would normally be allowed aboveground. At least for the initial requirements, we would want to review proposed installation of padmount distribution facilities to be sure that they could not feasibly be placed in vaults, behind shrubbery, or otherwise out of sight of the public travelling along scenic highways.

The tariffs of telephone utilities include all lines between central offices and service connection facilities as distribution facilities. When this proceeding is reopened for review and possible modification of requirements for distribution facilities, consideration can be given to the possible expansion of the scope of the proceeding to include interoffice trunks or other items beyond the requirements of Section 320.

Replacements and Relocations

Section 320 states:

> "...the undergrounding of all future electric and communication distribution facilities which are proposed to be erected..."
> (Emphasis added.)

The staff recommends, in Exhibit No. 1, that the above language be interpreted to include additions to or replacements of existing facilities. PG&E suggests, in Exhibit No. 2, that except where work nearly equivalent to that required for initial construction is required, it is not intended that reconstruction or reinforcements of existing overhead lines constitute the erection of new facilities. Similar interpretations are recommended by TPT&T in Exhibit No. 3, SDG&E in Exhibit No. 4, and SCE in Exhibit No. 5. A staff witness conceded that emergency repairs should be exempted.

If we were to construe replacements of existing facilities at the same location to be newly erected facilities for purposes of Section 320, some ridiculous results would ensue. For example, when a single pole in an existing overhead system reached the end of its useful life it could not be replaced (except in an emergency) without specific authorization of the Commission. Without such authorization, a transition from overhead to underground would be required at the next adjacent poles and a short stretch of underground cable would be required to connect the transition points. Such piecemeal construction would be wasteful and would not provide significant benefits to the public. It would not be a reasonable interpretation of Section 320.

On the other hand, PG&E points out in Exhibit No. 2 that, as a practical matter, construction of new facilities underground, when old ones in proximity to and visible from scenic highways must be relocated for public purposes, seems logical if problems of cost and right-of-way acquisition can be equitably solved. PG&E is of the opinion, however, that its present rules adequately cover the cost liability questions which might arise. Similar opinions are expressed by TPT&T in Exhibit No. 3, SDG&E in Exhibit No. 4, SCE in Exhibit No. 5, and State of California, Department of Public Works in Exhibit No. 8.

A reasonable interpretation of Section 320 dictates that when repairs or replacements of existing overhead facilities in the same location do not significantly alter the visual impact, they should not be considered as new construction, whereas if existing facilities are being moved to a new location, the facilities in the new location should be considered as new construction even if the visual impact of overhead construction would not significantly change.

Definition of "Proximity"

Section 320 refers to:

"...facilities which are proposed to be erected in proximity to any highway designated a State scenic highway..."
(Emphasis added.)

The Commission staff recommends in Exhibit No. 1 that "proximity" be defined as "660 feet from each edge of the right-of-way of designated state scenic highways", for purposes of Section 320. The same recommendation was made by PG&E in Exhibit No. 2, by TPT&T in Exhibit No. 3, SDG&E in Exhibit No. 4, and SCE in Exhibit No. 5. Anaheim made no recommendation as to distance, but pointed out in Exhibit No, 6 that the word "proximity" should be defined.

The basis for the 660-foot recommendation is comparability with other state and federal highway beautification legislation dealing with such things as billboard advertising. The electric utilities contend generally that their overhead electric distribution systems are less obtrusive at 660 feet than a billboard. This is not necessarily the case. For example, miles of pole lines with suspended wires might be considered more obtrusive to some than occasional billboards.

A tourist, enjoying the panoramic views along a scenic highway but being weary at nightfall from many miles and hours of driving, might without reservations approve a motel billboard but be offended by an adjacent pole line. Of course, upon checking in at the motel, he might be pleased to find that the illumination was not

by kerosene lamp and that he could telephone ahead to obtain future reservations. This illustrates that the degree of offensiveness of man-made structures along a scenic highway does not lend itself to a precise scientific determination. The width of an appropriate corridor within which to exclude overhead distribution facilities is necessarily a matter of judgment. At this stage of the development of requirements, we would prefer to err on the long side. A 1,000-foot zone on each side of the highway will be prescribed for now, subject to review and modification after more experience has been gained as to the economic and other effects of the program.

Designated Scenic Highways

Section 320 relates to:

> "...distribution facilities which are proposed to be erected in proximity to any highway designated a State scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code..." (Emphasis added.)

The State Scenic Highway System Progress Report for 1971, prepared by the State of California, Department of Public Works, was received as Exhibit No. 1-A. That exhibit shows that, as of the end of 1971, the master plan of State Highways eligible for official State Scenic Highway designation consisted of 6,437 miles of the 16,800-mile State Highway System. Additional sections of State Highways are added to the master plan from time to time.

As of the end of 1971, only 698 miles of the 6,437 miles of highway in the master plan had been designated as "Official State Scenic Highways" but 2,620 additional miles were under study leading to the official designation.

The State Scenic Highway laws provide for a county program under which certain county roads, as indicated in the county's master plan, can qualify for official County Scenic Highway designation. Only 36 miles of county roads had been so designated as of the end of 1971. There may be some question as to whether these County

Scenic Highways technically are State Scenic Highways subject to Section 320. Unless some party convinces us in a further proceeding that the County Scenic Highways should not be included, we will assume that they were intended by the Legislature to be treated the same as State Scenic Highways. Because of the relatively small number of such highways, this should not cause serious problems.

As can be seen from the foregoing discussion, not only the potential scenic highways included in the master plan but the portions thereof actually implemented are subject to continual change.

The order herein requires the Commission staff and respondents to obtain regularly from the Department of Public Works the listing of potential as well as officially designated scenic highways. Up-to-date maps can thus be maintained for enforcement and compliance purposes.

Definition of "Visible"

Section 320 refers to:

> "...facilities which are proposed to be erected in proximity to any highway...and which would be visible from such scenic highways if erected above ground..." (Emphasis added.)

PG&E urges, in Exhibit No. 2, that the Commission consider defining "visibility" in terms that would permit overhead construction where visibility is obscured or intermittent because of screening. SDG&E suggests, in Exhibit No. 4, that distribution facilities proximate to the scenic highways which are not completely invisible but only reasonably visible should not be included within the meaning of the term "visible". SCE points out in Exhibit No. 5 that certain visible portions of the distribution system partly screened by vegetation, structures, or elevated topography are not necessarily obtrusive.

The word "visible" in Section 320 is not modified by terms such as "easily", "readily", or "clearly". It would be presumptuous of this Commission to conclude that "visible" was intended to mean anything other than its common definition: "capable of being seen".

This does not preclude requests for deviations in instances where the visual impact of overhead facilities would be so infinitesimal as to render undergrounding unwarranted and wasteful.

Statewide Plan and Schedule

Section 320 provides:

> ". . . The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy..."
> (Emphasis added.)

The plan for implementing Section 320 is set forth in the order herein, which will be mailed to, among others, all respondents. Eventually, after we have ascertained that no additional modifications are likely in the near future, the requirements of the order in this decision and any subsequent decisions will be placed in the form of a General Order, as recommended by the Commission staff.

The schedule for implementing Section 320 is to make the order herein effective immediately but to exclude overhead construction jobs which have been commenced or contracted for prior to the date of the decision.

Coordination With Local Governments

Section 320 states:

> ". . . The commission shall coordinate its activities regarding the plan with local governments and planning commissions concerned. . . ."
> (Emphasis added.)

In order that local governments and planning commissions be given full opportunity to participate in administration of the plan, the order herein requires respondents to review with, and seek an expression of opinion from, the appropriate local governmental agency prior to requesting Commission authorization for deviation from the undergrounding requirements of the order. If and when parties other than respondents seek deviations, they also will be required to consult with local authorities before their requests are considered by the Commission.

In addition to the required coordination with local governments, it would be desirable for respondents to coordinate with, and provide any requested notice or data to, the Scenic Highway Advisory Committee.

Compliance

Section 320 states:

". . . The commission shall require compliance with the plan upon its adoption. . . ." (Emphasis added.)

Section 320 does not prescribe specific penalties for violations. We do not anticipate any difficulties, however, with obtaining compliance with the requirements of the order herein. All participants at the hearing exhibited an excellent spirit of cooperation with the objectives of Section 320. The League of California Cities, for example, although questioning in Exhibit No. 7 this Commission's jurisdiction over publicly owned utilities, encouraged those utilities to cooperate to the fullest with the intent of the order.

Other portions of the Public Utilities Act (Chapter 11, Violations) provide ample means for effecting compliance if there are any rare cases where the order herein is ignored by any respondent.

Responsibility for Cost of Undergrounding

Section 320 does not specify the means of financing any additional costs which may be involved when substituting underground for overhead in future design. The present rules, however, of public utility electric and telephone corporations on file with this Commission do set forth the relative financial responsibilities of the utilities and applicants for underground line extensions. Those rules were established after lengthy hearings. They appear to cover adequately the situations which will occur near State Scenic Highways.

This Commission does not have jurisdiction over the financial arrangements provided in rules of municipally owned utilities.

The City of Anaheim suggests in Exhibit No. 6 that the difference in cost between underground and overhead installation of electric and communication distribution lines near State Scenic Highways should be borne by all residents of the state, possibly through gasoline taxes. This would be beyond the power of this Commission to implement.

Use of Highway Rights-of-Way

PG&E points out in Exhibit No. 2 that progress toward eventual undergrounding of distribution facilities along scenic highways could be materially improved if the utilities could make optimum, coordinated use of state highway rights-of-way. PG&E states that a policy of more intensive use of highway rights-of-way could and should be adopted by the state and the Federal Highways Administration.

SDG&E suggests in Exhibit No. 4 that this Commission request the Division of Highways to cooperate fully in permitting utilities to use the Division's rights-of-way for underground lines.

The Department of Public Works is to be commended for its voluntary statement in Exhibit No. 8, in response to the comments of PG&E and SDG&E:

> "...in furtherance of the policy enunciated in Section 320, you may be assured that this Department will give every consideration to multiple uses of highway rights of way where not inconsistent with the integrity of the highway and the constraints imposed by the Federal Highway Administration."

Expanding Scope of Proceeding

The present scope of this proceeding is specifically limited to the requirements for implementing Section 320. Throughout the foregoing discussion of issues, we have indicated that it may be appropriate at some future date to reopen the proceeding to evaluate the experience obtained under provisions of this initial decision. Similarly, at the same time, it may be appropriate to broaden the scope of the proceeding to cover somewhat more than is required by Section 320.

One potential broadening of the scope of the proceeding is brought out by SDG&E in Exhibit No. 4. That utility observes that a significant number of overhead distribution facilities are installed along highways after they have been established as a scenic highway

by the Legislature but prior to official scenic highway designation by action of local authorities. Unless there is some means of restricting the extension of overhead facilities during this interim, the legislative intent of Section 320 could be largely frustrated. SDG&E suggests that the Commission declare in the order in this proceeding that, during this period between establishment and official designation of a scenic highway, the installation of overhead distribution facilities in the proximate zone be prohibited. As an alternative, SDG&E suggests that utilities be permitted to establish an underground area pursuant to their filed rules.

It would be beyond the present scope of this proceeding to order respondents to go beyond the requirements of Section 320 as proposed by SDG&E. That utility's alternate suggestion could, however, be implemented by authorizing, not directing, respondents to treat scenic highways proposed in the master plan as though they had already received official scenic highway designation. The order herein so provides and, in fact, we urge respondents to avail themselves of this option. An example of the relative lengths of highway involved in this concept is shown in Exhibit No. 1-A, which indicates that as of January 1, 1972, only about 11 percent of the total of 6,437 miles of potential scenic highways have received official designation but that an additional 41 percent is under active study leading to the official designation.

Other potential areas for broadening the scope of this proceeding have been discussed hereinbefore. These include adding interoffice trunks or other items within the limitations on overhead telephone distribution systems and inclusion of electric transmission lines within the restrictions on overhead electric distribution lines.

Findings and Conclusions

The Commission finds that:

1.A. Section 320 of the Public Utilities Code directs this Commission to prepare and adopt, by December 31, 1972, statewide requirements for undergrounding of all future electric and communication distribution facilities in proximity to State Scenic Highways.

B. The public interest requires that, unless and until specific exempt situations can be defined, this Commission should determine that undergrounding in any particular instance is not feasible or is inconsistent with sound environmental planning before overhead construction is authorized in proximity to State Scenic Highways.

C. Section 320 refers to "all future electric and communication facilities...", not just those owned and operated by privately owned utilities.

D. Planning for the undergrounding of essentially all future electric and communication distribution facilities in proximity to State Scenic Highways, and scheduling that plan to go into effect January 1, 1973 is in the public interest.

2.A. The tariffs of municipally owned utilities are not generally on file with this Commission.

B. The definitions set forth in paragraph 2 of the order herein are reasonable.

3. In order to implement the provisions of Section 320, it will be necessary for the staff of the Commission's Utilities Division, and for respondent utilities, to keep informed as to additions of sections of highways to the total officially designated as State Scenic Highways.

4.A. Rules on file with this Commission by privately owned electric and communication utilities provide for equitable distribution of any extra costs involved in undergrounding.

B. Rules of municipally owned utilities relative to financial arrangements for undergrounding do not come under this Commission's jurisdiction.

5. Penalties for violation of a Commission order are set forth in Chapter 11 of the Public Utilities Act.

The Commission concludes that new overhead electric and communication facilities should be prohibited in proximity to State Scenic Highways after December 31, 1972, as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. After December 31, 1972, no respondent electric or communication utility, whether privately or publicly owned, shall install overhead distribution facilities in proximity to any highway designated a State Scenic Highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected aboveground, unless (a) a showing is made before the Commission and a finding made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning, or (b) the overhead construction had been commenced or contracted for prior to the date of this order.

2.A. On or before January 31, 1973, each respondent municipally owned electric and communication utility shall file in this proceeding a copy of its rule in which "distribution" is defined or, if it has no such rule, a statement of the definition the utility recommends.

B. In interpreting the foregoing paragraph 1, the following shall apply:

> "Distribution" shall have the same meaning as now defined in each utility's tariffs, unless a different definition is prescribed by further order of the Commission.
>
> "Install" shall not include repairs or replacements of existing overhead facilities in the same location unless the visual impact would be significantly altered, but shall include moving to, or replacing at, a new location.

"In Proximity To" shall mean within 1,000 feet from each edge of the right-of-way of designated State Scenic Highways.

"Designated State Scenic Highway" shall consist of those portions of state and county highways eligible under the State Scenic Highways Master Plan which actually have been officially designated as State or County Scenic Highways pursuant to action by the Department of Public Works. This does not preclude a utility from establishing an underground zone pursuant to its tariffs, covering extensions in proximity to eligible highways which have not yet officially been designated.

"Visible From" shall mean that overhead distribution facilities could be seen by motorists or pedestrians travelling along the scenic highway.

3.A. The staff of the Commission's Utilities Division, and each respondent, shall check regularly with the Department of Public Works and maintain up-to-date maps showing those portions of highways officially designated State or County Scenic Highways.

B. Respondents shall review with, and seek an expression of opinion from, the appropriate local governmental agency prior to requesting Commission authorization for deviation from the requirements of paragraph 1 of this order.

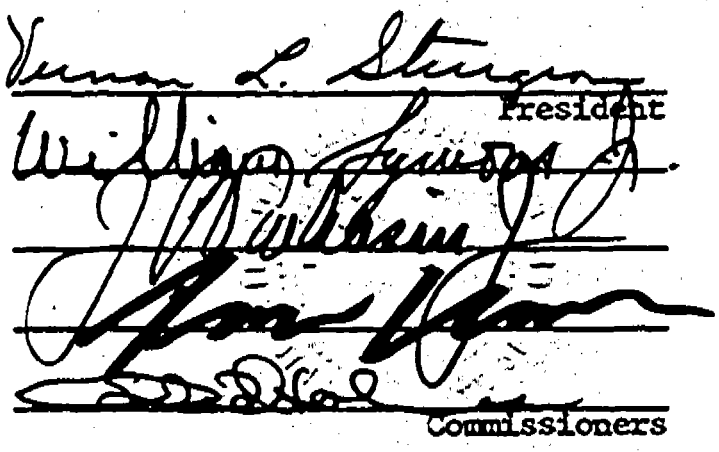
4. Privately owned electric and communication utilities shall apply the underground line extension rules in their tariffs when installing extensions in proximity to State Scenic Highways.

5. Failure to comply with this order shall leave a respondent liable for sanctions prescribed by the Public Utilities Code.

6. The Commission's Secretary shall mail a copy of this decision to each respondent herein.

The effective date of this order shall be December 31, 1972.

Dated at San Francisco, California, this 19th day of DECEMBER, 1972.



President

Commissioners

APPENDIX A

LIST OF APPEARANCES

Party	Appearance
Respondents	
Anaheim, City of	Joseph B. Geisler,* Alan R. Watts* and William P. Hopkins*
Anza Electric Cooperative, Inc.	A. E. Engel and G. J. Whittlinger
General Telephone Company of California	A. M. Hart* and Donald J. Duckett*
Pacific Gas and Electric Company	J. Bradley Bunnin*
Pacific Power and Light Company	G. E. Drennan*
Pacific Telephone and Telegraph Company, The	Richard Siegfried*
Plumas-Sierra Rural Electric Cooperative	A. E. Engel
San Diego Gas & Electric Company	Vincent P. Master,* Gordon Pearce* and C. E. Gibson*
Southern California Edison Company	R. E. Woodbury* and H. Clinton Tinker*
Surprise Valley Electrification Corporation	A. E. Engel
Sierra Pacific Power Company	Ralph P. Cromer
Interested Parties	
California Independent Telephone Association	Neal C. Hasbrook
League of California Cities	Kenneth Frank
State of California, Department of Public Works, Legal Division, Division of Highways	Bill Williams* and Ronald Lemmon
Commission Staff	Walter H. Kessenick,* E. Davidson and E. Macario

* Attorney at Law

APPENDIX B

Section 320, Public Utilities Code

320. The Legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the commission relating to the undergrounding of facilities.

The commission shall coordinate its activities regarding the plan with local governments and planning commissions concerned.

The commission shall require compliance with the plan upon its adoption.

This section shall not apply to facilities necessary to the operation of any railroad.