

Decision No. 80979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MARY HARTZELL, individually and
as Trustee of the GIUSEPPINA
BIAGGINI TRUST,Complainant, et al.,
vs.PACIFIC GAS AND ELECTRIC COMPANY,
Defendant.Case No. 9075
(Petition filed November 13, 1972)Case No. 9115
(Petition filed November 13, 1972)

AND RELATED MATTERS.

Case No. 9182
(Petition filed November 13, 1972)Case No. 9189
(Petition filed November 13, 1972)

Arthur L. Hillman, Jr., and J. Bradley Bunnin, Attorneys at Law, for Pacific Gas and Electric Company, defendant.
Ogle & Gallo, by Charles E. Ogle and Ray Gallo, Attorneys at Law, for Biaggini Trust and Bassi family, complainants in Cases Nos. 9075 and 9115.
David Strain, Attorney at Law, for Sierra Club, complainant in Case No. 9189.
Dr. Norman K. Sanders, for Scenic Shoreline Preservation Conference, Inc., complainant in Case No. 9182.
Vincent MacKenzie, Attorney at Law, and Kenneth J. Kindblad, for the Commission staff.

OPINION

Pacific Gas and Electric Company (PG&E) on November 13, 1972 petitioned that Decision No. 79726 in these proceedings be modified to terminate the requirement to relocate a portion of the Diablo-Midway 500 kv transmission line.

On February 15, 1972, the California Public Utilities Commission issued its Decision No. 79726, thus deciding the outcome of Cases Nos. 9075, 9115, 9182, and 9189, all concerning complaints brought against PG&E with respect to its Diablo Canyon transmission outlets. Ordering Paragraph No. 2 of that decision required that PG&E should:

"...relocate the transmission line to a location in the 'saddle' area southeast of Hill 2284 under the following conditions: On or before May 1, 1972, PG&E shall report to the Commission on its progress in relocating the transmission line southeast of Hill 2284. If the property owner has not by then provided the revised easement without additional payment and waived the right to cause removal by PG&E of footings already installed, PG&E may seek termination of this requirement. Otherwise, such progress reports shall be made every thirty days thereafter until the relocation has been completed."

The owner of the ranch traversed by the subject transmission line is the Grayson-Owen Company (Company). Mr. Jerry C. Johansen, the president of the Company, has written to PG&E expressing the Company's attitude toward the line and its relocation. A copy of that letter, appended to PG&E's Petition for Modification of Decision No. 79726, has been served on all parties to these proceedings.

The letter makes it clear that the landowner is concerned with preservation of ecological values and the aesthetics of its ranch. The landowner has stated its belief that removal of the existing tower line from its present location "would do additional serious damage to the property in the form of additional grading, roads and leave unsightly foundations protruding from the ground along the route of the existing power line."

Thus, the landowner is, for the reason stated in its letter, unwilling to comply with the conditions expressed in the Commission's Ordering Paragraph No. 2.

Findings and Conclusion

1. Ordering Paragraph No. 2 of this Commission's Decision No. 79726 contains two conditions which must be met before PG&E should be required to relocate its Diablo-Midway 500 kv transmission line No. 1 from its present location to a new location southeast of Hill 2284 on the Grayson-Owen Company's Carissa Ranch; the first condition is the property owner's provision of a revised easement without additional payment, and the second condition is the property owner's waiver of the right to cause removal by PG&E of footings already installed.

2. The Grayson-Owen Company is the owner of the property in question.

3. The Grayson-Owen Company is unwilling to meet the conditions imposed by Ordering Paragraph No. 2 of Decision No. 79726.

4. PG&E has complied in all material respects with Ordering Paragraph No. 2 of Decision No. 79726.

5. PG&E has sought termination of the relocation requirement.

We conclude that the requirement that PG&E relocate its Diablo-Midway 500 kv transmission line from its present location on the Grayson-Owen Company's Carissa Ranch should be terminated, in order to prevent additional damage to ecological and aesthetic values.

O R D E R

IT IS ORDERED that:


1. The requirement in Ordering Paragraph No. 2 of Decision No. 79726 that Pacific Gas and Electric Company relocate a portion of its Diablo-Midway 500 kv transmission line No. 1 from its present location on the Grayson-Owen Ranch Company's Carissa Ranch is terminated.


2. Decision No. 79726 shall be deemed modified in accordance with this decision.


The Secretary of the Commission is directed to cause a certified copy of this order to be served upon the Pacific Gas and Electric Company and to cause a copy to be mailed to each appearance of record.


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

Dated at San Francisco, California, this 23rd
day of JANUARY, 1973.



President





Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.