

IS

Decision No. 81776

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

La Canada Valley Beautiful, Inc.,)
a nonprofit corporation,)
)
La Canada-Flintridge Chamber of)
Commerce and Community Association,)
an unincorporated association, and)
)
La Canada-Flintridge Community)
Development Committee,)
an unincorporated association,)
)
Complainants,)
)
vs.)
)
Southern California Edison Company,)
a corporation,)
)
Defendant.)
)

Case No. 9560

ORDER DISMISSING COMPLAINT

On May 22, 1973, complainants filed a complaint against Southern California Edison Company (Edison) alleging that Edison refuses to consider undergrounding the existing 66 kv transmission lines along Foothill Boulevard in La Canada and that such refusal is contrary to Decision No. 73078 in Case No. 8209 (67 PUC 490 (1967)).

Edison filed its letter of defects on June 8, 1973. Edison contends that complainants have not complied with Rule 9 of the Commission's Rules of Practice and Procedure in that the complaint does not set forth any act or thing done or omitted to be done by Edison in violation, or claimed to be in violation of any provision of law or any order or rule of the Commission. Edison's letter shows that copies thereof were sent to each complainant.

On June 19, 1973, the Commission sent a letter to La Canada Valley Beautiful, Inc., one of the complainants herein, with copies to each of the other complainants, advising them of their opportunity to respond to Edison's letter of June 5, 1973, and to amend, dismiss or stand on their complaint.

By letter dated June 26, 1973, H. Kent Frewing, First Vice President of La Canada Valley Beautiful, Inc. and a signatory of the complaint, speaking on behalf of each of the three complainants, elected to stand on the complaint.

The defects raised by Edison are well taken. Decision No. 73078 in Case No. 8209 required electric utilities to file a prescribed conversion rule. This rule, however, relates only to the replacement of overhead distribution facilities with underground distribution facilities. Decision No. 73078 describes "distribution facilities" as those of voltage rating below 34.5 kv. Facilities with voltage ratings above 34.5 kv are denominated "transmission facilities".

It is clear that the 66 kv transmission lines on Foothill Boulevard in La Canada are not within the scope of the conversion rule which Decision No. 73078 required Edison to file. In failing or refusing to consider undergrounding of such lines Edison is not in violation of any order of the Commission or any rule, regulation, or provision of law.

Complainants, however, cite the following language of Decision No. 73078 in support of their complaint:

"The record indicates that respondent utilities should seriously consider undergrounding of [66 kv transmission lines normally carried on single wooden poles] in conjunction with undergrounding of distribution lines carried on the same poles. If such undergrounding of transmission lines is not considered practical, then such overhead lines should be routed to another area." 67 PUC 490, 491 (1967).

It should be noted that this language appears in neither the findings of facts, conclusions of law, ordering paragraphs, nor

in the appended conversion rule. Thus the language is admonitory only and not mandatory.

The Commission concludes:

1) The conduct of Edison alleged by complainants is not in violation of any provision of law or any rule or order of the Commission.

2) The complaint fails to state a cause of action.

3) The Commission may, without argument or hearing, dismiss a complaint for failure to state a cause of action. (Rule 12 of the Commission's Rules of Practice and Procedure.)

4) The complaint should be dismissed.

IT IS ORDERED that the complaint is dismissed.

Dated at San Francisco, California, this 21st
day of AUGUST, 1973.

Vernon L. Sturgeon
President
William J. Lyons
John J. [illegible]
[illegible]
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.