

ORIGINAL

Decision No. 82464

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of Western World Properties, Inc.,  
a California Corporation, for an exception  
to the mandatory undergrounding require-  
ments of Rule 15.1 for Tract 183-1, 2 & 3,  
Yuba County, California.

Application No. 54056  
(Filed May 24, 1973)

ORDER OF DISMISSAL

Western World Properties, Inc. (Western World) by this application petitioned for an exception to the mandatory requirements of Pacific Gas and Electric Company's Rule 15.1 as it applied to Western World's development, Tract 183-1, 2, and 3, located near the unincorporated community of Smartville, Yuba County, approximately 20 miles east of Marysville. It appeared that exemption from The Pacific Telephone and Telegraph Company's Rule 15 would also be required.

There were a total of 88 lots in Tract 183-1, 2, and 3, the smallest of which was 1.74 acres and the largest was 11.20 acres. All were net acreages exclusive of right of ways which were being offered to Yuba County. From the maps attached to the application it appeared most of the lots were from approximately 2.25 to 2.50 acres in size. The Commission has considered the subject of undergrounding of lines to serve subdivisions with relatively large lot size in a reopening of Case No. 8993 and has, in Decision No. 81620 dated July 24, 1973, decided to exempt subdivisions composed of lots 3 acres or more from the mandatory undergrounding requirements. The Western World development, with most lots slightly less than 2.50 acres, did not meet the criterion for automatic exemption.

By letter of August 2, 1973 Western World was informed that it appeared from the application that the county of Yuba was the Lead Agency which had the principal responsibility for approving the subdivision, as the term "Lead Agency" is defined by "Guidelines for Implementation of the Environmental Act of 1970" (Cal. Admin. Code Division 6 Title 14, Section 15030). Since it seemed that either an Environmental Impact Report (Guidelines Section 15027) or Negative Declaration (Guidelines Section 15033) would be required, Western World was requested to submit, as is required by this Commission's Rule of Procedure 17.1, Section (i)(3), a copy of any such report or declaration issued by the county of Yuba.

Western World was further informed that, in the absence of an EIR or Negative Declaration, an Environmental Data Statement would be required (Rule 17.1, Sections (c) and (d)). The staff determined that a deposit of \$1,380 (based on an estimated construction cost of \$46,640) against actual costs would be required before the Commission staff could begin preparation of an Environmental Impact Report pursuant to Sections (f) and (g) of Rule 17.1. (California Environmental Quality Act of 1970, Public Resources Code Sections 21000, et seq.)

When no response was received to the August 2 letter, Western World was told that, in the absence of the requested data, or a showing that the subdivision qualifies as an "on-going project" (Guidelines Section 15070, Subsection (e), it would be necessary to dismiss Application No. 54056 for lack of prosecution.

Western World replied, by letter of October 23, 1973, that it was having the subdivision re-engineered to provide for a minimum lot size of 3 acres. By Commission letter of October 31, 1973 Western World was advised, if it wished to proceed with the application, to notify the Commission by November 12, 1973, and that, if the Commission did not hear from Western World by that date, the Commission would assume that Western World did not intend to prosecute the application further.

To date the Commission has received no indication that Western World intends to proceed with its application. The Commission therefore finds that Western World does not intend to proceed with its application and concludes that it should be dismissed.

IT IS ORDERED that Application No. 54056 of Western World Properties, Inc. is dismissed.

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

Dated at San Francisco, California, this 13<sup>th</sup>  
day of FEBRUARY, 1974.

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