

ORIGINAL

Decision No. 82580

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of A. R. PEREIRA seeking
a deviation from the requirement for
underground electric service to the
COLUMBIA SKY PARK MOBILE HOME PARK
in TUOLUMNE COUNTY.

Application No. 54296
(Filed August 31, 1973)

O P I N I O N

A. R. Pereira is an individual. He seeks a deviation from the mandatory underground provisions of the line extension rules applicable to new residential subdivisions and developments of Pacific Gas and Electric Company (PG&E).

The development in issue is approximately 30 acres of land located adjacent to the Columbia Airport in Tuolumne County. According to the application, applicant purchased the property in 1965 for the purpose of constructing a 158 pad mobile home trailer park; the land was rocky, very bushy, with an undulating terrain, and with an elevation of 2,100 feet; an initial construction permit was issued by the State of California on December 9, 1965, with various permits given since that time; applicant began grading and leveling the land with his own equipment in 1966; plans were submitted to the Planning Commission in August 1967 for the mobile home park, which includes a shopping center; since that time various stages of construction have been completed by applicant; and construction has been held up from time to time due to weather conditions.

The application further states as follows: After initial discussions with PG&E, applicant decided around June 1970 that because of the prohibitive cost of undergrounding due to the rocky terrain in the area, the primary electric line extensions should be installed overhead; the only question at that time was whether applicant would install the service himself or have PG&E do it; thereafter, applicant decided that because of the voltage required, namely, 17,000 volts,

PG&E should install the overhead extension; PG&E was so advised and sent its engineers to survey the property and determine pole locations, which they staked; it was not until immediately prior to the filing of this application that information was given to applicant that the overhead installation would be contrary to PG&E's underground rules; all preceding discussions with PG&E related to overhead primary service; all other utilities, including the secondary electrical power system, the sewer and water systems, the TV cable, and the telephone lines have been installed underground throughout the park; the undergrounding of these services was very costly due to the rocky terrain; because of the blasting that would be required and the resulting probability of damage to the other underground installations and the necessity of crossing them, it would be next to impossible to now place the primary electric power lines underground; all of this would result in prohibitive expense; further work on the park is being held up until the overhead primary system is completed; and the overhead lines would not be noticeable because of the many trees on the proposed trailer park.

Rules governing underground extensions within new residential subdivisions and residential developments have heretofore been established by the Commission and have been revised from time to time. PG&E's Rule 15.1 is a reproduction of these rules. The Commission in interpreting the rules has heretofore found as follows:

" . . . (I)t is in the public interest that undergrounding should be mandatory for all new residential subdivisions, but that such a mandatory requirement should not apply to those subdivisions for which a master plan, preliminary map or tentative map has been filed with the appropriate local authorities pursuant to the Subdivision Map Act on or prior to the effective date of this order and where an agreement is entered into with a utility for electric service within two years after the effective date of this order." (Re Undergrounding of Electric and Communication Utilities (1970) 71 CPUC 134, 137.)

The order referred to, Decision No. 77187, became effective May 5, 1970. Section E.4. of PG&E's Rule 15.1 provides for exceptional cases. It states as follows:

"In unusual circumstances, when the application of these rules appears impractical or unjust to either party, the Utility or developer may refer the matter to the Public Utilities Commission for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction."

The difficulties of now undergrounding the primary electric line extension set out in the application and referred to above and the resulting exceptionally high cost that would result constitute unusual circumstances within the meaning of Section E.4. of Rule 15.1. Furthermore, the initial construction permit was issued in 1965. Plans were submitted to the Planning Commission in 1967. Applicant had requested overhead primary service and PG&E had surveyed for pole installations in 1970 which is within two years of the effective date of Decision No. 77187. In the circumstances, this is apparently within the exception to the mandatory undergrounding requirements referred to in the above-quoted finding in Decision No. 77187.

The application was listed on the Commission's Daily Calendar. No protests to the granting of the application have been received.

The Commission finds that:

1. The land on which the trailer park in issue is located is adjacent to the Columbia Airport in Tuolumne County and is rocky with an elevation of 2,100 feet.

2. The land has been graded for roads and trailer pads. The secondary electrical power system, the TV cable, and telephone lines, as well as the sewer and water systems, have all been installed underground. The undergrounding of these services was very costly due to the rocky terrain.

3. Because of the rocky terrain and the high cost that would result if the primary electric power system were to be undergrounded, applicant decided in mid-1970 to have it installed overhead, and PG&E surveyed the property and staked pole locations.

4. Because of weather conditions, construction work on the trailer park has been held up from time to time.

5. To now underground the primary electric line extension would be extremely costly. The rocky terrain would require blasting, and it would be necessary to cross the underground installations now in place. All of this could result in severe damage to these installations.

6. Overhead lines would be virtually unnoticed because of the many trees on the proposed trailer park area, and the environmental impact affecting the general public thus would be insignificant.

7. It is reasonably certain that the project involved in this proceeding will not have a significant effect on the environment.

8. Under the conditions hereinabove described, the applicability of the mandatory undergrounding provisions of PG&E's tariffs to the primary power line extension would be unjust, and the requested deviation would not be adverse to the public interest.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that Pacific Gas and Electric Company is authorized and directed to deviate from the mandatory undergrounding

provisions of its line extension rules to the extent of providing an overhead primary electric line extension or extensions in applicant's proposed trailer park adjacent to the Columbia Airport in Tuolumne County.

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

Dated at San Francisco, California, this 12th day of MARCH, 1974.

I abstain:

~~Thomas Moran~~, Commissioner

Vernon L. Stinson
President
William Lyman
J. Williams
S
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.