

Decision No. 83423

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of }
Robert E. Cowden, Jr. requesting a }
deviation from the requirement for }
underground electrical service to }
Cuesta Serena Subdivision Unit No.1 }
in Tuolumne County, California. }

Application No. 54987
(Filed June 24, 1974;
amended July 31, 1974)

O P I N I O N

Robert E. Cowden, Jr., an individual, seeks a deviation from the mandatory underground provisions of the line extension rules of Pacific Gas and Electric Company (PG&E) applicable to new residential subdivisions and developments in connection with applicant's development of Cuesta Serena Subdivision Unit 1 in Tuolumne County, California.

Applicant is a real estate developer in the county of Tuolumne and has commenced development of Cuesta Serena Subdivision which is approximately 405 acres and is located approximately two miles south of the city of Sonora. The terrain is rocky, undulating and has a shallow soil depth. Unit 1 has 46 residential lots. The minimum lot size is two acres and the elevation ranges from 1,490 to 1,735 feet. The lot size for Units 2 and 3 is a minimum of three acres.

The application states as follows: Applicant purchased the Cuesta Serena property in May of 1973 and shortly thereafter commenced the development of Unit 1; at the time of the initial engineering study and preparation of the tentative map for the development, it was applicant's understanding that the Tuolumne County surveyor and PG&E were of the opinion that the minimum lot size that

could qualify for overhead primary electric power lines was two acres; after receiving approval of a tentative map and for water, roads, water quality, and for commencing construction, applicant built the roads and installed the water system; subsequent to the completion of these installations, applicant received information that the minimum lot size exempted from the mandatory undergrounding requirements is three acres; the excavation to the minimum depth of 36 inches for the water line required special equipment and was extremely difficult; because of the blasting that would be required and the resulting probability of damage to other underground installations and the necessity of crossing them, it would be next to impossible to now place the electric power lines underground; all of this would result in prohibitive expense; Unit 1, as well as Units 2 and 3, is crisscrossed by overhead transmission lines of PG&E; and the overhead lines would not be noticeable because of the many trees and bushes on the property.

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. Section E.4. thereof 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 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.

The Tuolumne County Board of Supervisors has approved Unit 1 and has informed the Commission by letter dated August 16, 1973 that it has no objection to the use of overhead utilities in the subdivision.

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 application of the mandatory requirements of Rule 15.1 of the tariff of PG&E to Cuesta Serena Subdivision Unit 1 of applicant is impractical and unjust.

2. Overhead lines would be virtually unnoticed because of the many trees and bushes on the property, and the environmental impact affecting the general public thus would be insignificant.

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

4. The requested deviation would not be adverse to the public interest.

5. A public hearing is not necessary.

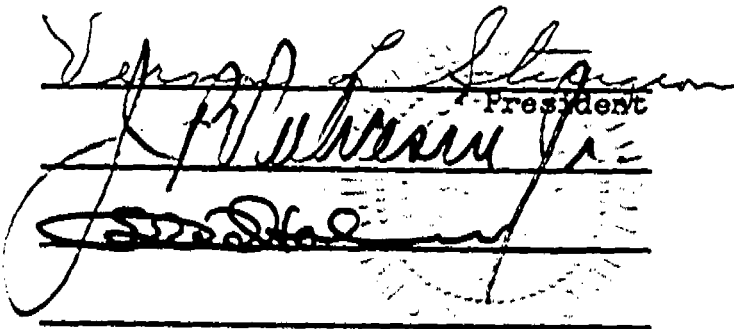
The Commission concludes that the application should be granted.

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 electric line extension or extensions in applicant's Cuesta Serena Subdivision Unit 1 located two miles south of Sonora in Tuolumne County.

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

Dated at San Francisco, California, this 11th
day of SEPTEMBER, 1974.



President

Commissioners

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

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