

ORIGINAL

Decision No. 83526

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of FRANK MC ATEE for
authority to deviate from rules
re mandatory undergrounding of
electric lines, Valley View
Subdivision, County of Shasta.

Application No. 54767
(Filed April 1, 1974)

Frank and Cathy McAtee, for themselves, applicants.
Linda S. Friedman, Attorney at Law, for Pacific Gas
and Electric Company, interested party.

O P I N I O N

Frank and Cathy McAtee, husband and wife, request permission for Pacific Gas and Electric Company (PG&E) to deviate from its Rule No. 15.D., Underground Extensions, of PG&E's tariff so that their home, located 25 miles east of Redding, north of State Highway 44, may be served by an overhead electric distribution line extension. A hearing on the matter was held at Redding on June 7, 1974 before Examiner Pilling.

Rule 15.D.1.a. reads in part as follows:

- "a. All line extensions to serve new residential subdivisions and developments shall be made underground in accordance with Rules Nos. 15 and 15.1 unless exempted by Section C of Rule No. 15..."

Section C of Rule No. 15 permits overhead extensions to serve residential subdivisions which were legally subdivided prior to May 5, 1970 only where an agreement for electric service was entered into with the utility prior to May 5, 1972, or where significant overhead lines already exist within the subdivision.

Applicants own Lots 7 (2.6 acres) and 8 (2.5 acres) on the eastern boundary of Valley View Subdivision in the county of Shasta. The land was subdivided in 1962 with no provision for utilities. Applicants' house, purchased from the original owner, was built in 1969 and is located on Lot 7. Applicants are the only residents in the subdivision. Applicants' house is supplied with gas from an above-ground propane tank located on the property 20 yards from the house. Water is supplied from individual wells. Sewage is disposed of in septic tanks. Electricity to operate the well pump, lighting, and household appliances is supplied by a 5 kv generator. A tall wooden power pole, located some distance from the house, supports the line from the generator across the lot to the house. The pole, generator, propane tank and wells were in place when applicants bought the house. The closest human habitat is three miles from applicants' property. The area surrounding the house lot ranges from thick pine forests to mixed trees and scrub brush. Applicants' house is not viewable from any highway. Applicants presented a letter from the Shasta County Planning Commission which stated that that Commission had no objection to the installation of overhead facilities within the Valley View Subdivision.

The witness for PG&E testified that his company's tentative plan, in the event a deviation is not granted, is to run a pole line approximately 800 feet from the nearest point of connection outside the subdivision to a point east of eastern boundary of the subdivision and north of Lot 7, then underground the line 400 feet across three subdivision lots south to Lot 7. Total nonrefundable costs to applicants for this project would be \$6,285 for undergrounding while overheading the lines all the way via the same route would cost applicants \$960 which would be refundable. As an alternative (Exhibit 5) PG&E would propose to run a pole line for approximately 1,200 feet which would be outside of the subdivision to a point adjacent

to the eastern boundary of the subdivision. Thence the line, whether underground or overhead, would enter the subdivision and applicants' Lot 7 without crossing any other lot in the subdivision. PG&E estimates that the requisite trenching for undergrounding within the subdivision under the alternate proposal would cost the applicant approximately \$952 in nonrefundable charges. Under the alternative proposal if the line is placed overhead within the subdivision there will be only one pole necessary to carry the line from the subdivision boundary to applicants' house and that pole will be on applicants' Lot 7. Applicants have agreed, in the event an overhead line is run to their house as contemplated in the alternate proposal, that they will take down, within a week after PG&E runs the line to their house, the present power pole and line furnishing electricity to their house. The PG&E witness asserted that it was his understanding that all the lots in the subdivision have been sold and the subdivider is no longer involved or associated with the subdivision. The witness stated that his company believes that the application for deviation should be granted.

The Commission's Rule of Procedure 17.1(m)(1)(B)1 recognizes that the replacement of utility facilities is categorically exempt from the Environmental Impact Report provisions of the California Environmental Quality Act:

"(m) Categorical Exemptions. (1) The following specific projects are within the classes of projects which the Secretary for Resources has exempted from the EIR requirements of CEQA:

* * *

(B) Class 2 Exemptions.

1. The replacement or reconstruction, including reconductoring, of existing utility structures and facilities where the new structure or facility will be located on the same site as the replaced structure or facility and will have substantially the same purpose and capacity as the structure replaced."

Findings and Conclusions

1. The facts of the matter are as set out above.
2. No necessity or other reason exists to grant applicants a deviation from PG&E's tariff which would authorize overhead facilities to be placed across three lots within the subdivision not owned by applicants, the owners of which were not shown to have been served with a copy of the application nor to have given consent to have overhead facilities across their properties.
3. Under the alternate proposal the present utility pole and line on applicants' property will be replaced with a PG&E utility pole and line of similiar type to be located on the same site as the replaced pole and line and will have substantially the same purpose and capacity as the pole and line replaced.
4. The utility pole and line presently on applicants' premises were placed there prior to the time applicant bought the house and two lots and at a point in time when an intent could not have existed to use the pole and line as a basis for seeking a deviation from the subject undergrounding rule.
5. Nonrefundable charges of \$952 to be paid by applicants for undergrounding electrical distribution lines under the alternate proposal is unreasonable.
6. Requiring applicants for aesthetic reasons to pay \$952 for undergrounding distribution lines to secure PG&E service to the house lot is unjust where there is and has been for some time a power pole and line already in place on applicants' house lot and the proposed replacement pole and line will be on applicants' house lot and the proposed line will not run across any other lot within the subdivision.
7. The alternative proposal contained in Exhibit 5 for running the distribution line overhead will not, with reasonable certainty, have a significant effect on the environment.
8. A deviation from PG&E Tariff Rule 15.D. should be granted to allow PG&E to construct an overhead distribution line into applicants' house as proposed in Exhibit 5.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company is authorized to deviate from its Rule 15.D. to the extent of constructing and maintaining an overhead distribution line into Lot 7, Valley View Subdivision, in the county of Shasta as proposed by Pacific Gas and Electric Company in its Exhibit 5 provided that concurrently with the energizing of that line the present pole and line now existing on the subject lot are taken down.

2. Frank and Cathy McAtee, within fourteen days after the energizing of the new line, shall report to this Commission by verified statement affirming their actions taken in regard to the removal of the present pole and line.

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

Dated at San Francisco, California, this 1st
day of OCTOBER, 1974.

Thomas L. Shugart
President
William J. Synnott
P. J. Martin
John H. Martin
Edward J. Martin
Commissioners