

bp

Decision No. 85446

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation into Requirements for a)
General Order on Siting of New Electric)
Generating Plants and Certain Electric)
Transmission Facilities of all Electric)
Public Utilities in the State of California.)

Case No. 9015

O P I N I O N

General Order No. 131 entitled "Rules Relating To The Planning And Construction Of Facilities For The Generation Of Electricity And Certain Electric Transmission Facilities" has been in effect since July 1, 1970 as a result of Decision No. 77301 and amendment thereto in Case No. 9015. General Order No. 131 requires, among other things, that all electric utilities file periodically certain specified reports with the Commission. The legislature has enacted Assembly Bill 1575 (1974) which became operative January 7, 1975, and which added Division 15 entitled "Energy Conservation & Development" consisting of Sections 25000 through 25950 to the Public Resources Code. The enactment requires all electric utilities to report electric loads and resource information to the State Energy Resources Conservation and Development Commission which was also created by Division 15 of the Public Resources Code.

Since some of the reporting requirements to the Energy Commission duplicate and some differ from those presently required to be made to the Public Utilities Commission under General Order No. 131, it is deemed appropriate and desirable to amend the General Order so that there will no longer exist any requirements therein which conflict with the Energy Commission requirements. Case No. 9015 is hereby reopened to effect appropriate changes in the General Order.

The amended General Order should also include appropriate changes to recognize the requirements of Rule 17.1 of the Commission's Rules of Practice and Procedure, adopted in 1973, establishing the Special Procedure for Implementation of the California Environmental Quality Act of 1970, which more specifically covers the requirement to prepare and submit Environmental Impact Reports.

Public hearings are not required herein. An ex parte order is appropriate. The attached amended General Order No. 131 will achieve the desired purpose.

Findings

1. General Order No. 131 became effective July 1, 1970 by Decision No. 77301 in Case 9015 and was amended by Resolution No. E-1280 on December 22, 1970.

2. General Order No. 131 requires, among other things, that all electric utilities under the jurisdiction of the Commission file periodic reports with the Commission.

3. The Legislature enacted into law in 1974, Assembly Bill 1575, effective January 5, 1975, creating the State Energy Resources Conservation and Development Commission.

4. Division 15, "Energy Conservation and Development", consisting of Sections 25000 through 25950, was added to the Public Resources Code, which division is known and may be cited as the Warren-Alquist State Energy Resources Conservation and Development Act.

5. Division 15 requires, among other things, that all electric utilities report electric loads and resource information to the Energy Resources Conservation and Development Commission.

6. Some of the present reporting requirements of electric utilities under General Order No. 131 duplicate and are in conflict with Division 15 requirements as to content and time of filing of reports.

7. Case No. 9015 is reopened to effect appropriate changes.

8. General Order No. 131 does not presently include or make mention of Rule 17.1 of the Commission's Rules of Practice and Procedure which was enacted and made effective in 1973.

bp C.9015

9. The rules contained in the amended General Order No. 131 attached to this decision are reasonable and deemed essential at this time and will be in accord with the reporting requirements made to the Energy Resources Conservation and Development Commission.

10. The amended General Order No. 131 contains appropriate changes to recognize the procedures required by Rule 17.1 of the Commission's Rules of Practice and Procedure.

11. In order to facilitate the compatibility of the filing requirements between this Commission and the Energy Resources Conservation and Development Commission without undue delay, this order should be made effective in less than twenty days.

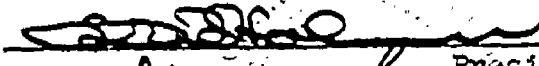
The Commission concludes that the rules contained in the amended General Order No. 131 attached should be adopted by an ex parte order and that public hearings are not necessary and that the public interest will be served by such adoption.

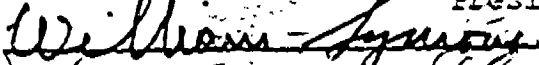
O R D E R

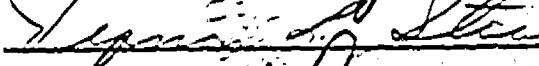
IT IS ORDERED that amended General Order No. 131 attached hereto as Appendix A, be and is adopted and shall be effective on the 20th day of February, 1976.


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

Dated at San Francisco, California, this 10th day of FEBRUARY, 1976.



President






Commissioners

GENERAL ORDER NO. 131

PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

RULES RELATING TO THE PLANNING AND CONSTRUCTION
OF FACILITIES FOR THE GENERATION OF ELECTRICITY
AND CERTAIN ELECTRIC TRANSMISSION FACILITIES

Adopted June 3, 1970, Effective July 1, 1970

Decision No. 77301, Case No. 9015

Amended by Resolution No. E-1280, December 22, 1970

Amended February 10, 1976, Effective February 10, 1976,
by Decision No. 85446

*
Section 1. Pursuant to the provisions of Sections 451, 534, 701, 702, 761, 762, 763, 770 and 1001 of the Public Utilities Code:

IT IS HEREBY ORDERED that no electrical public utility, now subject, or which hereafter may become subject, to the jurisdiction of this Commission, shall begin construction within this state of an electric generating plant having in aggregate a capacity in excess of 50 mw or of overhead line facilities which are designed for immediate or eventual operation at any voltage in excess of 200 kv (except for the replacement of existing with equivalent facilities, or the placing of new or additional conductors, insulators or their accessories on or replacement of supporting structures already built) without this Commission's having first found, after consideration of the impact of such facilities upon the air, water, land, and other aesthetic, environmental and ecological requirements of the public and of its energy needs, that said facilities are necessary to promote the safety, health, comfort and convenience of the public, and that they are required by the public convenience and necessity.

IT IS FURTHER ORDERED that construction of facilities shall not commence without this Commission having first issued a final environmental impact report (EIR) or Negative Declaration in accordance with Rule 17.1, Special Procedure for Implementation of the California Environmental Quality Act of 1970 (Preparation and Submission of Environmental Impact Reports). These requirements do not apply to applications covering generation facilities for which a certificate of public convenience and necessity has been or will also be issued by the State Energy Resources Conservation and Development Commission (Energy Commission).

Section 2. Every electrical public utility required to submit a report of loads and resources to the Energy Commission in accordance with Section 25300 of the Public Resources Code shall also furnish a copy to the Public Utilities Commission.

Section 3. Every electrical public utility shall annually, on or before March 1, furnish a report to the Commission for its review a ten-year forecast of planned transmission facilities. The report shall include:

- A. A list of planned transmission lines on which proposed route reviews are being undertaken with governmental agencies or for which certificate applications have already been filed.
- B. A list of other transmission lines, on which route reviews have not started, which will be needed during the forecast period.

Section 4. An electrical public utility, desiring to build electric generation facilities in excess of 50 mw capacity shall file for a certificate of public convenience and necessity not less than twelve months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period for exceptional circumstances. An application for a certificate of public convenience and necessity shall include, or have attached to it, in addition to the data required by the Rules of Procedure, the following:

- A. A statement of the reasons why and the date when completion and operation of the proposed facility will be necessary to promote the safety, health, comfort and convenience of the public.
- B. A statement of loads and resources as referred to in Section 2.
- C. Safety and reliability information including planned provisions for emergency operation and shutdowns.
- D. Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kw-hr (1) at plant, and (2) including related transmission and comparative costs of other alternatives considered.
- E. A schedule showing the program for design, material acquisition, construction and testing and operating dates.
- F. Available site information (including maps and description, present, proposed and ultimate development) and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected.
- G. Preliminary design information, including description of facilities, plant efficiencies, electrical connections to system, and description of control systems.
- H. Description of provisions, including devices and operations, for mitigation of the effect of the proposed plant operation on air and water quality, for waste disposal, and for noise abatement. Established standards, including but not limited to, all state, regional, district or county standards shall be indicated and records and estimates of past and future performance shall be provided as well as information on other environmental aspects.
- I. Architectural concept indicating compatibility of facilities with environment.
- J. A listing of federal, state, regional, county, district, or municipal agencies from which approvals either have been obtained or will be sought covering various aspects of the proposed facility, and the planned schedule for obtaining those approvals not yet received.

*
(NOTE: The filing lead time and the requirements set forth in paragraphs F, H and I of this section do not apply to applications covering generation facilities for which a certificate of public convenience and necessity has been or will also be issued by the Energy Commission.)

Section 5. An electrical public utility desiring to build transmission line facilities for immediate or eventual operation in excess of 200 kv shall file for a certificate of public convenience and necessity not less than twelve months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances. An application for a certificate of public convenience and necessity shall include, or have attached to it, in addition to the data required by the Rules of Procedure, the following:

- A. A statement of the reasons why and the date when completion and operation of the proposed transmission line will be necessary to promote the safety, health, comfort and convenience of the public.
- B. A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.
- C. Proposed transmission line description and estimated cost covering tower design and appearance, heights, conductor sizes, initial and ultimate voltages and capacities, compatibility with environment.
- D. Reasons for adoption of the route selected including comparison with alternative routes.
- E. A schedule showing the program of right-of-way acquisition and construction.
- F. A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.

*

Section 6. Where an Environmental Data Statement (EDS) is required under the provisions of this rule and Rule 17.1, it may include the data set forth in paragraphs A through J of Section 4 and paragraphs A through F of Section 5.

Section 7. Notice of the filing of each application for a certificate of public convenience and necessity shall be given by the electrical public utility to: the county and municipal planning commissions and the county and municipal legislative bodies for each county or city in which the proposed facility will be located, the state highway engineer, other interested parties having requested such notification; and, in addition, in the case of electric generation facilities, to: the Secretary of the Resources Agency, representing the Departments of Conservation, Water Resources, Parks and Recreation, Fish and Game, and Navigation and Ocean Development, and to the Department of Public Health, to the Water Resources Control Board, to the California Regional Water Quality Control Board, to the Air Resources Board, to the Air Pollution Control District, if any, in whose jurisdiction the proposed facility will be located, to the Department of Public Works, Division of Aeronautics, and to the State Lands Commission. Said notices shall be given by regular mail not more than ten days after the filing of the application and the utility shall file a Declaration of Mailing with the Commission. Notice shall also be given to the general public by advertisement, not less than once a week, two weeks successively in a newspaper or newspapers of general circulation in the county or counties in which the proposed facility will be located, the first publication to be no later than ten days after filing of the application.

(NOTE: The additional notice requirements set forth above in Section 7 in the case of electric generation facilities do not apply to applications for which a certificate of public convenience and necessity has been or will also be issued by the Energy Commission.)

Section 8. Those to whom notice has been sent under Section 7 hereof and any other party entitled under the Commission's Rules to participate in a proceeding for a certificate of public convenience and necessity may, within thirty days after the notice was mailed and published, request that the Commission hold hearings on the application. Any such request should include the reasons therefor. If the Commission, as the result of its preliminary investigation after such requests, determines that public hearings should be held, notice shall be sent to each party who is entitled to notice or has requested a hearing.

Section 9. If the Commission issued the certificate it shall, in determining the present or future public convenience and necessity, find that the construction of the proposed facility:

- A. Is reasonably required to meet area demands for present and/or future reliable and economic electric service; and
- B. Will not produce an unreasonable burden on natural resources, aesthetics of the area in which the proposed facilities are to be located, public health and safety, air and water quality in the vicinity, or parks, recreational and scenic areas, or historic sites and buildings or archeological sites.

Section 10. This General Order shall become effective on *February 20*, 1976.

Issued at San Francisco, California, this 10th day of February, 1976.

PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

William R. Johnson

WILLIAM R. JOHNSON
Executive Director