

Decision No. 85943

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LEROY E. WHITE dba  
TRI-WHITE BUILDERS to deviate from  
mandatory requirements for under-  
ground utility extension in  
Golden Hills Subdivision, Kern  
County, California

Application No. 56213  
(Filed January 21, 1976,  
Amended May 3, 1976)

O P I N I O N

Leroy E. White dba Tri-White Builders requests permission for Southern California Edison Company (SCE) to deviate from its Rule No. 15 and Pacific Telephone and Telegraph Company (PT&T) to deviate from its Rule No. 15, so as to provide overhead electrical and telephone service to Golden Hills Subdivision, a 4,120-lot (approximately 3,000 acres), subdivision located in Kern County, five miles northwest of Tehachapi, California.

The above-mentioned rules provide that, in exceptional circumstances, when the application of the undergrounding rules appears impractical or unjust, the utility or the developer may refer the matter to the Public Utilities Commission for special ruling.

The 4,120 lots range in size from  $\frac{1}{4}$  to  $2\frac{1}{2}$  acres and average  $\frac{1}{2}$  acre. Seven of the 19 tracts (1,243 lots) have already been granted a deviation by a Public Utilities Commission letter of July 18, 1972, on the basis that the tracts were subdivided and offered for sale with the understanding that overhead service would be provided at such time as requested by lot owners.

Overhead electric distribution lines which exist in all except three small tracts of the development are visible from substantially all lots in the development. Overhead telephone lines exist within the project in substantially the same amount and location as overhead electrical lines presently exist.

SCE's Rule 15 C.1.a(1) states that overhead extension to residential subdivisions may be constructed when the lots within the development existed as legally described parcels prior to May 5, 1970, and significant overhead lines exist within the development.

The roads and water system have been installed throughout the development. A portion of the subdivision has shallow topsoil over considerable rock and boulder. The remainder of the area has more topsoil but still has rock and scattered boulders of varying sizes. Applicant states, "Because of the high cost of trenching, the blasting requirements in the rocky and sometimes steep terrain, and the cost of repairing damage to streets and intersections, the imposition of underground requirements would effectively prohibit residential construction."

The County of Kern, SCE, and PT&T do not object to the requested deviation.

The applicant requested this application be handled on an ex parte basis since it does not involve matters which necessitate a public hearing.

#### Findings

1. The application of the mandatory undergrounding requirements of Rule 15 of both SCE and PT&T to this subdivision is unwarranted.
2. Significant overhead lines already exist within the development.
3. The terrain is rocky and an underground distribution system would impose an undue financial burden on applicants for service.
4. SCE and PT&T should be authorized to deviate from the mandatory undergrounding requirement of their Rule 15 so as to provide overhead electric and telephone service to Golden Hills Subdivision, Tracts Nos. 3111, 3221, 3222, 3223, 3224, 3225, 3229, 3230, 3231, 3232, 3365, and 3366.

5. A public hearing is not required.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

We conclude that the application be granted as provided in the order which follows.


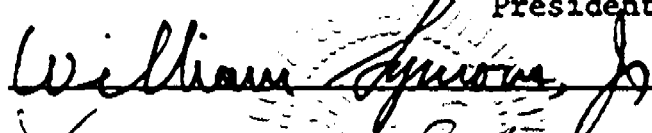

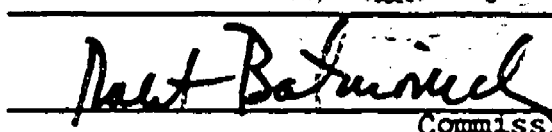
O R D E R

IT IS ORDERED that:

1. SCE and PT&T are authorized to deviate from the mandatory undergrounding requirement of their Rule 15 so as to provide overhead electric and telephone service to Golden Hills Subdivision, Tracts Nos. 3111, 3221, 3222, 3223, 3224, 3225, 3229, 3230, 3231, 3232, 3365, and 3366.

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

Dated at San Francisco, California, this 15<sup>th</sup> day of JUNE, 1976.

  
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President  
  
  
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Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.