

Decision No. 85951

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's Own
Motion into the Planning, Construction,
Operations, Practices, Aesthetics, and
Economics of Overhead and Underground
Transmission Facilities of all
Electric Public Utilities in the
State of California.

Case No. 9365
(Filed April 18, 1972)

(See Decision No. 85497 for appearances.)

SECOND INTERIM OPINION

On April 18, 1972, the Commission opened an investigation on its own motion into the propriety and reasonableness of the planning, construction, operations, practices, aesthetics, and economics of overhead and underground transmission facilities and into the need for the development of uniform principles as a basis for Commission orders, rules, or guidelines pertaining to transmission facilities of all electric public utilities in the State of California, as defined in Section 217 of the Public Utilities Code.

Prehearing conferences were held in San Francisco on August 14 and 15, 1973. During the period November 28, 1973 to October 21, 1975, 26 days of hearing were held before Examiner Gillanders at various locations in California.

Among the many items discussed at the hearings was the matter of the La Cienega Substation 66 kv getaway lines.

On November 14, 1974 Councilman Pachtman, on behalf of Culver City, brought to our attention^{1/} the fact that Southern

^{1/} It was his hope that this Commission would prevent this kind of thing from happening again and that the Commission would require that such lines be placed underground in residential areas.

California Edison Company (Edison) had constructed what he termed "some monstrosities" 12 $\frac{1}{2}$ feet from the boundary of Culver City in Los Angeles County territory. The construction he referred to is part of the La Cienega getaway lines.

According to Edison, the La Cienega 66 kv getaway lines will connect La Cienega Substation to existing 66 kv lines to furnish necessary electric power to the communities of Culver City, Santa Monica, Beverly Hills, and portions of Inglewood as well as several unincorporated areas of the county such as Marina Del Rey, Sawtelle, West Hollywood, Baldwin Hills, Windsor Hills, and Ladera Heights. This area is presently served by eight 66 kv lines from the El Nido Substation, located approximately ten miles to the south. Edison states that the desirable operating capacity of these lines was exceeded in July 1973. It also states that according to present load forecasts, these lines will begin to be seriously overloaded in July 1975. The La Cienega Substation 66 kv getaway lines will increase the reliability of electrical service in this area and provide for the future projected growth of communities served.

The La Cienega getaway lines consist of 7.2 circuit miles of 66 kv lines. They are being constructed on five 8-circuit^{2/} arch structures^{3/} and 42 double circuit steel poles. The arches are from a conceptual design by the industrial designers, Dreyfuss Associates, and were fabricated by Meyer Industries and the A.B. Chance Company, utilizing a "Sunburst Head Design," also by Dreyfuss Associates. The arches on the arch structures are designed for aesthetic purposes only. The arch structures range in height from 70 feet to 129 feet because of the many elevation changes in the terrain. The length of the legs on the individual arch structures vary as much as 28 feet, also because of the terrain. All of these structures have been painted to blend with the normal background.

2/ A total of 24 wires.

3/ These five arches are the "monstrosities" described by Councilman Pachtman.

The evidence shows that Edison, having been refused permission to build La Cienega Substation and associated transmission lines in the city of Culver City, built the substation in Los Angeles County. Los Angeles County issued a negative declaration in accordance with the California Environmental Quality Act (CEQA) for the substation stating, on the representations of Edison, that it had no jurisdiction over the getaway lines as such jurisdiction was held exclusively by this Commission. Edison maintains that we can only exert our jurisdiction over such lines if a complaint is filed by someone protesting such construction. As no complaint was filed Edison argues that this Commission has no interest in the construction of the getaway lines.

Edison's reply to charges that the construction is not safe and creates audible noise as well as radio and television interference is as follows:

1. The California Public Utilities Commission has promulgated various rules relating to the safety, construction, and technical characteristics of overhead power lines. These rules are contained in Public Utilities Commission's General Order No. 95. The La Cienega 66 kv getaway lines and all associated structures, including the arches and poles running from the substation to junctions at Overland and at Jefferson, were located and constructed by Southern California Edison Company in accordance with the technical requirements set forth in General Order No. 95.
2. The structures are engineered by the steel supplier and are tested for compliance with the design requirements both by the supplier and by Edison engineers. Erection is done by Edison with the necessary welding performed by certified welders; the quality of each weld is checked by using ultrasonic testing methods. Only reputable manufacturers are allowed to bid on Edison's structures.

3. The La Cienega lines and its associated structures are conservatively engineered, designed, constructed, and inspected with relatively high safety factors by competent personnel. Consequently, the chance of a failure due to human error is extremely low.
4. Transmission structures and conductors (wires) are not susceptible to serious damage due to earthquakes. This is due to the fact that transmission structures and conductors are very flexible and have relatively little weight or mass concentrated near their tops. It is an historical fact that Edison has never had a completed steel structure collapse due to an earthquake.
5. The structures being installed on these lines should not be a cause of radio or television interference. Metal structures have a much better record relative to radio and television interference than any wood pole line because it is possible to maintain tighter connections than on wood poles and the fact that they are an excellent electrical ground. If for some reason radio or television interference does occur, Edison crews can and will make timely repairs to correct the situation. No objectionable audible noise from these lines is anticipated. Under heavy fog conditions, contamination on the insulators can create a humming sound that may be audible directly under the line. This situation is minimized by periodically cleaning the insulators. In general, the low level of noise will blend with ambient sounds in the area.

The role of this Commission regarding transmission lines under 200 kv was argued by the parties both orally and in writing. The consensus was that this Commission has no duty under CEQA to prepare an environmental impact report as a prerequisite to the construction of any transmission lines of less than 200 kv.

Discussion

As stated in CEQA and as adopted by the Commission in Rule 17.1, only activities involving the issuance of a permit, certificate, or other entitlement can be construed as a "project" requiring an EIR. Therefore, in order to determine what utility activities require an EIR, it is necessary to examine the licensing requirements of the Commission.

To determine the Commission's licensing requirements, one must first examine Section 1001 of the Public Utilities Code. This section delegates to the Commission complete licensing authority for all utility line, plant, and system construction. In exercising its licensing authority, the Commission enacted General Order No. 131 which delineates all electrical transmission projects that must be certificated by the Commission. General Order No. 131 states that "no electrical public utility...shall begin construction...of overhead line facilities...at any voltage in excess of 200 kv" without the Commission's approval, specifically as to the environmental impact of such proposed project.

Thus, since no permit or license is required for lines under 200 kv, it is not a "project" by definition, and thus no environmental impact report is required under Cal. Pub. Res. Code Sect. 21065.

The Commission, while having the authority to regulate such lines under Public Utilities Code Section 1001, has chosen not to do so in the interest of economy. (See "Statement of Commission Staff" Dec. 16, 1974 pp.3-4.) The Commission makes no differentiation - for certification purposes - between the construction of 66 kv transmission and the stringing of a distribution line to a residence.

The staff recommended, pending the Commission's action with regard to construction of such 66 kv lines in the future and pending

modification of General Order No. 131, that "...the Commission should require that in cases of transmission voltage between 60 and 200 kv, that the utilities be required to review all such proposed projects with the local political subdivision affected through which the line would pass or have serious impact upon, stating (to the Commission) that such review has occurred and what the position of the local government is. This procedure, during the interim, would apprise the Commission of future projects of some magnitude prior to construction in order for it to determine whether to exercise authority to require review of the project prior to construction, especially in cases where local government has serious objection."

In order that the Commission and any city or county that might be interested could be informed on any proposed transmission line construction the presiding officer, on December 9, 1974, in conformity with Rule 74 of the Commission's Rules of Practice and Procedure, required the participating respondents to file reports of their proposed transmission construction with the Commission with copies to all parties. PG&E, Edison, and San Diego have been filing the required reports. No complaints have been received by the Commission based on the reports.

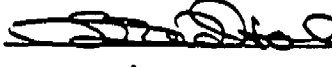


We believe it is time to invoke a procedure and provide a forum for respondents, staff, and interested parties to reevaluate the present Commission procedure for planning and construction of electric transmission facilities of sub-200 kv ratings. We believe this issue is clearly within the scope of Case No. 9365, and could be addressed by giving notice of hearings for that purpose.

SECOND INTERIM ORDER

IT IS ORDERED that hearing be held on a date to be set for the purpose of allowing respondents, staff, and interested parties to present their views of how the Commission should control the construction of transmission lines of voltages below 200 kv.

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

Dated at San Francisco, California, this 15th day of JUNE, 1976.

 President
William Sproule

 Commissioners

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