

Decision No. 86017

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JAMES P. DEMARTINI and  
THELMA L. DEMARTINI requesting ex parte  
action for deviation from mandatory  
undergrounding requirements in EMPRESS  
MEADOWS, a rural subdivision in NEVADA  
COUNTY, where a substantial portion of  
the parcels are presently served by  
existing overhead lines.

Application No. 56477  
(Filed May 13, 1976)

O P I N I O N

Applicants James P. and Thelma L. DeMartini seek authority to deviate from mandatory undergrounding requirements, Pacific Gas and Electric Company (PG&E), Rule No. 15.1 and Pacific Telephone and Telegraph Company (PT&T) Rule No. 15.1, in Empress Meadows, a rural subdivision in Nevada County, California.

Applicants' property for which the deviation is sought, is located approximately six miles in a northwesterly direction from Grass Valley, California. The subdivision consists of 147.95 acres divided into 40 lots or parcels. The lots vary in size from 2.00 acres to 11.75 acres for an average size lot of 3.7 acres. There are 17 lots over three acres; four 2-acre lots have, in effect, been combined by the purchasers into two 4-acre lots; 14 lots are 2.5 acres; 2 lots are between 2.5 and 3.0 acres; and 3 lots are between 2.0 and 2.5 acres. The tentative map of Empress Meadows was approved by the Nevada County Planning Commission on February 13, 1968. The final map was recorded on July 30, 1970. The property is zoned "RA-X" Residential Agricultural and the applicant has provided information that such zoning does not permit further division of parcels. The tentative map was approved by the Nevada County Planning Commission on the basis of overhead utilities, since the mandatory undergrounding requirement did not exist at that time. At the present time, the County of Nevada does not have adopted local requirements for undergrounding.

The subdivision is bordered on the southerly end by Empress Road and Newton Road, along which run an existing overhead distribution line of PG&E and overhead telephone lines of PT&T. Lots 1, 2, 4, 5 and 10 are currently served overhead from these lines. There are also overhead lines crossing Lot 6 serving a 27-acre parcel not a part of Empress Meadows subdivision. Lot 3 has been sold to a party who intends to initiate construction in the summer of 1976. Jones Bar Road runs in a southeast - northwest direction across the subdivision with some 27 lots fronting on this road. PT&T has an existing overhead line along Jones Bar Road. Thus, PT&T has existing aerial distribution lines fronting 37 of the 40 lots. PT&T's letter of April 28, 1976, (Exhibit E of the Application) indicates that it has no plans at this time, nor is it required to convert these overhead lines to underground if the undergrounding requirement of the tariffs is retained. By memorandum dated March 29, 1976, (Exhibit A of the Application) applicants indicate that, except for the approximately one-half mile of Jones Bar Road frontage under consideration here, the entire area is served by existing overhead facilities and that nearby one-acre parcels can and are being served by overhead lines.

Exhibit A of Application No. 56477 includes a PG&E letter of July 24, 1970, to the Division of Real Estate, State of California, indicating the availability of electric service for the subdivision in accordance with Rule 15. Applicants contend that they were not advised of the necessity for entering into an agreement for service with PG&E prior to May 5, 1972.

Exhibit D of Application No. 56477 contains PG&E's comparative cost estimates for overhead and underground service. The former is estimated at \$13,000 while the undergrounding estimate is \$38,376. This undergrounding estimate does not include trenching, backfilling and associated requirements for seven street crossing conduits. Nor does it include the cost of trenching, backfilling, backfill material or conduit on the private property (individual lots). Applicants have obtained an estimate of \$16,000 for

the main trenching and the seven street crossings and of \$1 per foot for trenching for individual services in easily workable soil. However, lots 32 through 40 would involve substantially higher trenching costs due to the rocky conditions. In addition, lots 19, 23 and 26 would require service trenches in excess of 1,000 feet in length to reach the choice building sites on these lots. Undergrounding for lots 27 through 35 would be further complicated due to the fact that these lots are traversed by an irrigation ditch.

There are no other utilities planned as there will be individual wells and septic tanks for water and sewage service.

Neither PG&E nor PT&T object to providing overhead service subject to a deviation from the mandatory undergrounding requirement being authorized.

#### Findings

1. Significant overhead lines exist within the Empress Meadows subdivision as well as in nearby areas.

2. The subdivision is located approximately six miles from Grass Valley, California, and is served by county roads. There are no nearby state highways.

3. The 40 lots in the subdivision vary in size from 2.0 acres to 11.75 acres.

4. Costs for undergrounding the basic electric distribution system compared to overhead is in the order of three to one. In addition, cost of underground service for some individual lots would be excessive due to length of service runs, rocky soil conditions and the presence of an irrigation ditch.

5. Nevada County, in which the Empress Meadows subdivision is located, has not adopted local requirements for undergrounding.

6. Lots in the subdivision are zoned "RA-X" Residential Agricultural.

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

8. PG&E and PT&T should be authorized to deviate from the mandatory undergrounding requirement of their Rule 15.1 so as to provide overhead electric and telephone service to Empress Meadows subdivision.

9. A public hearing is not required.

The Commission concludes that the application should be granted as provided in the order which follows.

O R D E R

IT IS ORDERED that:

1. PG&E is authorized to deviate from the mandatory undergrounding requirement of its electric line extension (Rule 15.1) of its tariff so as to provide overhead electric service to the Empress Meadows subdivision.

2. PT&T is authorized to deviate from the mandatory undergrounding requirement of its telephone line extension (Rule 15.1) of its tariff so as to provide overhead telephone service to the Empress Meadows subdivision.

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

Dated at San Francisco, California, this 29th  
day of JUNE 1, 1976.

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President  
William S. S. S.  
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Commissioners