

ORIGINAL

Decision No. 86228

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into the Rules Pertaining to
Underground Extensions to Commercial
and Industrial Developments and to
Individual Customers of all Electric
and Communication Public Utilities in
the State of California.

Investigation on the Commission's own
motion into Mandatory Requirements
for Underground Extensions.

Case No. 8993

ORDER DENYING PETITION FOR MODIFICATION OF
DECISION NO. 81620

Decision No. 81620 dated July 23, 1973 in Case No. 8993 is statewide in scope and was based on a comprehensive record. In that decision the commission ordered revisions to the mandatory undergrounding rules of electric and telephone utilities to provide for certain exemptions applicable to line extensions to and within residential subdivisions.

The county of San Diego by petition filed February 9, 1976, requests a change in the principal criterion established in Decision No. 81620. More specifically, petitioner seeks on behalf of the unincorporated area of the county of San Diego to have lowered from three acres to two acres the minimum lot size to qualify for the exemption.

In Decision No. 81620 the criterion of lot size was analyzed and discussed as follows:

"If the present mandatory underground line extension rules of electric and telephone utilities exempted subdivisions with lots of at least two acres, about three-fourths of the deviations listed by the staff which the Commission has found to be justified would have automatically been exempted. This would have saved much of the time and expense involved by the developers, the utilities, and the Commission in processing the requests for deviations.

"On the other hand, the time and expense which would have been involved in seeking a deviation may well have induced some large-lot developers to choose underground line extensions. Exempting two-acre lots could reverse this trend and cause some developers to choose overhead lines where underground lines might be feasible. On a trial basis, subject to modification up or down if undesirable results are experienced, we will adopt a three-acre, rather than a two-acre lot size criterion. This would have covered over half of the forty deviation authorizations listed by the staff. This will also cover many of the land projects mentioned by the group of El Dorado County subdividers. Those land projects having some lots smaller than three acres should not be automatically exempted."

In its petition county of San Diego relies heavily on the fact that in the reopened investigation which led to Decision No. 81620 our staff had recommended that two-acres be designated as the qualifying size for an exemption. That was to be acceptable only in cases where "... (1) local ordinances, land use policies, or deed restrictions preclude further division of the parcels, and (2) the investigations by the utilities (companies) involved do not disclose exceptional circumstances which warrant underground extensions to serve the large-lot tracts." The Commission, however,

decided upon a larger minimum lot size than the staff recommended and in so doing made the following related finding: "Automatic exemption of large-lot subdivisions from mandatory undergrounding rules, under the specific safeguards provided by the revisions authorized herein, will not result in overhead lines where undergrounding is feasible."

From the petition we are unable to discern any material changes which have occurred since the issuance of Decision No. 81620 in 1973 which would justify our altering the existing lot size criterion. Conversely, there appears to have been a rather marked falling off in real estate development activity in San Diego County since then. An attachment to the petition provides the following statistics on lots recorded in unincorporated areas of San Diego County for the years 1971 through 1975:

<u>Year</u>	<u>Total Lots</u>	0-1.99 AC		2.00 -2.99 AC		3.00 AC+	
		<u>No.</u>	<u>% of Total</u>	<u>No.</u>	<u>%</u>	<u>No.</u>	<u>%</u>
1971	4,106	3,972	97%	98	2%	36	1%
1972	5,040	5,020	99+	6	-	14	-
1973	5,460	5,126	94%	206	4%	128	2%
1974	2,750	2,643	96%	54	2%	53	2%
1975 (Est)	<u>2,600</u>	<u>2,500</u>	<u>96%</u>	<u>50</u>	<u>2%</u>	<u>50</u>	<u>2%</u>
TOTALS	19,956	19,261	97%	414	2%	281	1%

Upon careful consideration of Decision No. 81620 and the petition before us, we find that:

- (1) A lowering of the minimum lot size requirement for exempting large-lot subdivisions from mandatory undergrounding rules of electric and telephone utilities is a discretionary action which could have adverse environmental effects.
- (2) Deviations from the mandatory rules may continue to be sought for specific subdivisions. Such a case-by-case basis of processing tends to protect the undergrounding standard and should not result in overhead lines where undergrounding is feasible.
- (3) Insufficient cause appears for granting the modification requested in the petition.

Based on the foregoing findings, IT IS ORDERED that the petition is denied.

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

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

President
William J. Quinn

Vernon L. Stetgen

H. Rose

Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.