

Decision 90 05 088 MAY 22 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CACHUMA OPERATIONS
AND MAINTENANCE BOARD (COMB) for
emergency exemption from require-
ment of Public Utilities Code § 320
for undergrounding of temporary
electric lines for emergency water
pumping facilities at Cachuma
Reservoir; request for expedited
procedure and waiver of 30-day
notice period (Public Utilities
Code § 311(d)) for unforeseen
emergency situation.

ORIGINALApplication 90-04-039
(Filed April 25, 1990)O P I N I O NStatement of Facts

Public Utilities (PU) Code § 320 declares it to be the policy of this State to require, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all electric distribution facilities proposed to be erected in proximity to any state scenic highway. The Commission is charged with obtaining compliance.

State Highway 154 is a state scenic highway which passes alongside of Lake Cachuma. Pacific Gas and Electric Company (PG&E) operates an existing overhead power line along scenic Highway 154. Lake Cachuma is located approximately 12 miles northwest of Santa Barbara in Santa Barbara County. The lake was formed to serve as a reservoir by the placement of Bradbury Dam across the midcourse of the Santa Ynez River between the San Rafael Mountains and the Santa Ynez Mountains. The reservoir is operated and maintained by the Cachuma Operations and Maintenance Board (COMB) and is a primary source of water to six contracting agencies: the Santa Ynez River Water Conservation District to the west and five south coast agencies to the south. The latter draw water from the Tecolote

Tunnel which penetrates the Santa Ynez Mountains to an intake tower on the south side of the reservoir, three miles southeast of the dam.

The reservoir has a capacity of approximately 200,000 acre-feet of water. On the average the six contracting agencies draw about 29,000 acre-feet per year total. As the consequence of a prolonged serious drought, the reservoir in mid-April of 1990 held only a little more than 44,000 acre-feet of water. The water level in the reservoir is currently at an elevation near the bottom of the lowest operable gate in the intake tower which allows water into Tecolote Tunnel which delivers water to pipelines serving the five south county water agencies. When the water level drops below this lowest operable gate, an event anticipated to occur any day, there will still be about 44,000 acre-feet of water in the reservoir, water then unobtainable through the gate.

To make this remaining water available, construction is currently in progress on a siphon which will draw water from the reservoir up and over the sill of the lower gate into the intake tower and into the Tecolote Tunnel to the five south coast agencies' pipelines.

But as the water level drops further, the discharge volume of the siphon will decrease, eventually ceasing while still leaving about 37,000 acre-feet of water in the reservoir. That occasion is anticipated to occur sometime in July or August. Therefore, before the siphon ceases to be operable further, pumps and motors must be installed to allow extraction of the remaining 37,000 acre-feet of water. Otherwise, the five south county agencies will lose this supply. The pumps and motors will be electric and will obtain operating power from PG&E by means of a temporary branch line tapping off from PG&E's existing overhead distribution line alongside scenic Highway 154. Electric motors will be used to avoid the noise, air quality concerns, and

higher costs that would be incurred from use of internal combustion engines.

Based upon projected water use at 55% of normal, and assuming the 1990-91 winter is also a dry one, with only 3,000-acre-foot runoff, the water in storage will be reduced by May of 1991 to about 24,600 acre-feet. And a further dry winter for 1991-92 could see the reservoir completely empty. COMB states that were the reservoir to go empty it would remove the pumps and the temporary power lines serving them. And if future winter rains result in higher levels of runoff, so that the reservoir returns to normal levels, the pumps and electric power lines would also be removed. In either event, COMB anticipates that the temporary power lines would be in place for less than two years.

Time is of the essence here. Compliance with the undergrounding requirements of PU Code § 320 would add greatly to the time required to accomplish an electric connection, as well as substantially increasing the costs. This would result in delay until August of this year before this residual water supply could be provided to the five south county agencies, with resulting devastating effect on the population, economy, and well-being of the area. COMB filed this application seeking expeditious treatment to grant it an emergency order exempting it from the undergrounding requirements.

On January 15, 1990 the COMB's Board of Directors completed an environmental review of the proposed project to construct water extraction facilities, including pumping facilities, either on barges floating on the water surface or on the adjacent shore, to discharge water through pipelines across the water surface and the dry reservoir bottom to the intake tower. As without this water supply, even at a reduced amount, the result would be a severe emergency for the population, with devastating and irreparable damage to the economy, environment, and life style, the proposal was reviewed and led the Board to determine that the

project was exempt from the requirements of the California Environmental Quality Act (CEQA) under Guidelines § 15269(a) as specific actions necessary to prevent or mitigate an emergency situation. Accordingly, COMB's Board prepared a Notice of Exemption which on January 25, 1990 was filed with the County Clerk of Santa Barbara County.

Discussion

There is no question but that the area through which this temporary, short electric tap line must run is not only adjacent to a scenic highway, but that the very area is itself adjacent to Lake Cachuma with the county recreational park and resort area nearby, virtually all visible from the scenic highway. Thus, the area to be traversed is itself the very type of area which the Legislature intended should be preserved from overhead lines when the Legislature enacted PU Code § 320. Further, it is also settled that the overall objective is the undergrounding of all utility distribution facilities considered new construction (Investigation re Overhead Electric and Commercial Distribution Facilities (1972) 74 CPUC 454). In addition, the application makes no showing that undergrounding would not be technically feasible or inconsistent with sound environmental planning (*supra*, P. 467).

But this installation is not to be permanent; it is a rush installation to meet a present emergency situation facing the population in the south county area. To underground would delay readiness of the pump facilities until August. But the pumps will be needed before then. Water is vital, and any disruption in its supply to the already drought-parched area is to be avoided if possible. Power to these pumps can most readily and cleanly be supplied by electric lines. Internal combustion motors would require difficult deliveries of fuel to the barges on the lake and would produce disruptive noise and pollutants in the area. Overhead lines are the least obtrusive and environmentally offensive alternative available within the time constraints. The

basically aesthetic considerations, which underlie the undergrounding requirements, in an emergency situation such as this should, and must at least temporarily, give ground to more vital considerations. A permanent deviation from undergrounding would not be in order, but a temporary exemption in order to meet the water needs of the area without interruption is in order, and the Commission therefore will order a temporary exemption from the requirements of PU Code § 320.

The COMB's Board of Directors already has taken steps to provide for a siphon, and has approved a Notice of Exemption under CEQA, finding that exemption applicable to the overall project pursuant to Guidelines § 15269(c) as specific actions necessary to prevent or mitigate an emergency. The requisite Notice of Exemption has been filed with the local County Clerk.

While the COMB application states in paragraph 10 on page 3 that the Notice of Exemption included "the planned temporary overhead electric lines," we note that there is no specific mention of such lines - or of any alternative power source - in either the Notice or the Environmental Review included as Exhibit A with the application. However, we do not believe that this omission vitiates an inferred inclusion of electric overhead lines. The pumps mentioned require power, and electric-powered motors in this application are environmentally preferable to internal combustion motors.

Because temporary installations of this type too frequently and expediently tend to become semi-permanent or permanent, we will place a time limit on the use of overhead electric facilities tapping off from PG&E's existing Highway 154 overhead lines to the intake tower. This exemption from the undergrounding requirement of PU Code § 320 will expire December 31, 1991, or sooner if the reservoir refills to 100,000 acre-feet or more. At whichever time occurs first, COMB is required to immediately dismantle and remove all of the overhead electric

facilities here authorized, and within 30 days of such date to file a statement with the Chief of the Energy Branch, Commission Advisory and Compliance Division, advising of the dismantling and removal of such facilities. The cost of such dismantling and removal shall be borne by COMB.

The Commission's Rules of Practice and Procedure provide that protests may be filed within 30 days. However, this is an emergency situation, and Rule 87 provides that in special cases and for good cause shown, the Commission may permit deviations from the rules. We do so in this instance and proceed without waiting for the 30-day protest period to expire.

Findings of Fact

1. Lake Cachuma is a primary water supply source to six contracting water agencies in Santa Barbara County.

2. COMB is the public agency charged with the operation and maintenance of the Cachuma Reservoir.

3. The effects of a multi-year drought are reducing the water level of Lake Cachuma to below the intake level of the gates which supply Tecolote Tunnel which in turn delivers water to the respective pipelines supplying five of the six contracting water agencies.

4. COMB has taken emergency action to install a siphon and water extraction system on a temporary basis to lift the remaining water up to the intake gates level.

5. When the siphon no longer can lift the remainder of the reservoir water, an event anticipated before August of 1990, it will be necessary to pump this water up to the intake gates level.

6. For environmental and cost reasons COMB has determined that electric pumps are preferable to internal combustion pumps for this operation.

7. COMB has determined installation of this water extraction project to be an exempted project under Emergency Project

§§ 21080(b)(4); 15269(c) of the CEQA Guidelines, and has filed the requisite Notice of Exemption with the Santa Barbara County Clerk.

8. PU Code § 320 declares it State policy to achieve, where feasible and not inconsistent with sound environmental planning, the undergrounding of all new electric distribution facilities proposed to be erected in proximity to a state scenic highway if visible if erected above ground.

9. Electric power to run the COMB electric pumps must come from a tap line to the intake tower at the lake from an existing PG&E overhead electric distribution line that extends alongside State Scenic Highway 154 alongside Lake Cachuma. ✓

10. Time constraints and costs make undergrounding for this temporary power line unfeasible if an uninterrupted water supply is to be maintained, leading COMB to ask the Commission to grant an emergency exemption from the undergrounding requirements of PU Code § 320.

11. Any interruption to the water supply to the five south Santa Barbara water agencies would result in devastating effects on the population, economy, and well-being of that area.

12. Any exemption granted should be on a temporary basis only with definitive limitations.

13. Because of the emergency this order should become effective immediately.

Conclusions of Law

1. The basically aesthetic considerations which underlie undergrounding requirements for electric distribution lines must at least temporarily give ground in an emergency situation such as is present here where the water supply to five south Santa Barbara County water agencies would be interrupted with devastating effect on the population, economy, and well-being of the area.

2. Where under the circumstances undergrounding of temporary electric distribution lines is not feasible, a temporary exemption from the requirements of PU Code § 320 may be granted.

3. Because of the emergency situation, this order should become effective immediately.

ORDER

IT IS ORDERED that:

1. Temporary overhead electric distribution lines extending from the existing overhead Pacific Gas and Electric Company's electric power line alongside State Scenic Highway 154 to the water intake tower of Lake Cachuma, to provide power for emergency water pumping operations at the reservoir may be installed. They are exempted temporarily from the undergrounding requirements of PU Code § 320 until December 31, 1991 or sooner if Lake Cachuma refills to the 100,000-acre-foot level or more.

2. At whichever occurs first, Cachuma Operations and Maintenance Board shall immediately proceed to dismantle and remove all of the overhead electric distribution facilities here authorized, and within 30 days after removal is complete, shall file a statement with the Chief of the Energy Branch, Commission Advisory and Compliance Division, advising of the dismantling and removal of such facilities.

3. The cost of dismantling and removal shall be borne by
COMB.

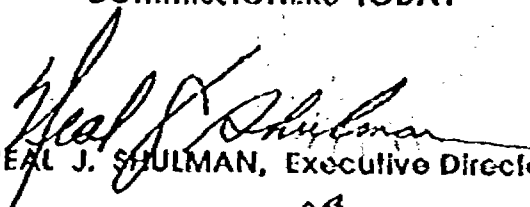
This order is effective today.

Dated MAY 22 1990, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director