L/SE:ddm

~~EX-9~~
EX-3

Decision 82 03 108 MAR 16 1982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN DIEGO GAS & ELECTRIC COMPANY for a certificate that present and future public convenience and necessity require or will require the construction and operation of: a double circuit 230 kV transmission line from Mission Tap to Miguel Substation; and a single circuit 500 kV transmission line from Miguel Substation to the Palo Verde Nuclear Generating Station Units 1, 2, and 3, Switchyard.	Application 59575 (Filed April 4, 1980; amended March 24, 1981 and June 1, 1981)

ORDER MODIFYING DECISION 93785
AND DENYING REHEARING

Petitions for rehearing of Decision 93785 have been filed by California Farm Bureau Federation and Imperial County Farm Bureau, Imperial Valley Corridor Committee, Community Energy Action Network, County of Imperial, Eucalyptus Hills Landowner's Association and City of Calexico. We have thoroughly reviewed all of the allegations raised in the petitions and are of the opinion that good cause for granting rehearing has not been shown. However, through the further study given to the decision in considering the petitions it is concluded that the decision should be modified, and that an Amended Notice of Determination should be prepared. Therefore,

IT IS HEREBY ORDERED that:

1. Page 47a is modified to state:

"The environmental documents in this case do not contain a comprehensive analysis of the potential for additional conservation in the SDG&E service territory to serve as an alternative to the Project but the analysis in the record is sufficient to demonstrate that substantial

additional conservation is possible. We conclude not that the conservation potential is trivial, but rather that SDG&E should be actively promoting such conservation in addition to the Project, in order to further reduce the company's dependence on oil and natural gas."

2. The last paragraph on page 48 should be modified to state:

"It was not necessary to perform Phase II studies to determine that the Banning Pass and International Border alternatives cannot compete favorably with the environmentally preferred route. Each would cross as much or more agricultural land as would the preferred route. Banning would also be substantially longer. It would appear that the Banning Pass Alternative Corridor would provide no significant cumulative environmental savings over SDG&E's preferred route, particularly considering its 65 mile additional length."

3. The following sentence is added to the last paragraph on page 50:

"Many of the sensitive ecological archaelogical and historical conditions present in underdeveloped areas have already been adversely impacted in agricultural areas."

4. The third sentence in the first paragraph on page 51 is modified to state:

"As will be discussed below in the Agricultural Impact Section; while we are sensitive to interference with agricultural land, we find that fully mitigated impacts to agriculture will not be as severe as cumulative impacts to other resources on any of the proposed alternatives."

5. The last sentence in the first paragraph on page 51 is modified to state:

"We find that the preferred route would produce the least severe impacts to farm productivity and farmworker safety of all the routes that impact agricultural land."

6. The first full sentence on page 52 is modified to state:

"From Devers it would be necessary to build additional

lines through the Banning Pass area to Rainbow, which would expose it to the same environmental concerns as the Banning Pass alternative route, or to upgrade SDG&E's interchange capability at San Onofre."

7. The following paragraph should be added to page 55 of the decision as the second paragraph:

The Commission recognizes that the route identified in the FES as the environmentally preferred route north is inconsistent with Imperial County's Transmission Corridor Element to its General Plan. This Plan, which was considered in the preliminary environmental studies while it was still a draft, provides that any major East-West transmission line in Imperial County shall avoid the irrigated agricultural lands of the County. While the Commission has considered that plan and recognizes the inconsistency posed by the adoption of a route which does cross such agriculture, we believe that the environmentally preferred route has the least cumulative impacts.

8. The following paragraph should be added to page 81 of the decision following the first paragraph:

Statement of Overriding Considerations

The proposed project will have a significant effect upon the environment, no matter where the Project is located. However, the beneficial effects of the project outweigh such effects. The proposed project will reduce SDG&E's inordinate dependence on oil and natural gas-fired generation, enable SDG&E to secure delivery of contracted coal-fired power purchases, facilitate the transmission of economy energy purchases and geothermal energy from the Imperial Valley and Mexico, enhance system reliability, and help SDG&E to meet its future forecasted demand in the mid-to late 1980s. Alternate technologies and conservation do not eliminate the need for the Project. The mitigation measures ordered in the decision are designed to reduce the impacts of the Project as much as possible. The overriding considerations support approval of the Project.

9. Finding of Fact No. 29 is modified to state:

"The Banning Pass alternative would be substantially longer than the preferred route."

10. Finding of Fact No. 47 is modified to state:

"The expected impacts on agriculture from this project after mitigation are deemed to be moderate when compared to other types of significant impacts."

11. Finding of Fact No. 50 is modified to state:

"The proposed Project will have a significant effect upon the environment. However, overriding considerations as contained on page 81 outweigh such effects and support approval of the project."

12. Conclusion of Law 15 is modified to state:

"15. The Final EIS/EIR has been completed in compliance with CEQA and the EIR Guidelines. We have reviewed and considered the information contained in the Final EIS/EIR in reaching this decision. Finding of Fact No. 50 represents a Statement of Overriding Considerations. An amended Notice of Determination for the Project is attached as Appendix B to this decision, indicating that A Statement of Overriding Considerations was adopted for the project."

13. In order to correct a clerical error, the last paragraph on page 32 is modified to state:

"It states that the DES and SDES are inadequate in that they have not been prepared with a sufficient degree of analysis to provide decision-makers with information which would enable them to make a decision which intelligently takes account of environmental consequences."

Rehearing of D. 93785, as modified herein, is denied.

This order is effective today.

Dated MAR 16 1982, at San Francisco, California.

JOHN E. BRYSON
President
RICHARD D GRAVELLE
LEONARD M. GRIMES, JR.
VICTOR CALVO
PRISCILLA C. CREW
Commissioners

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

Joseph E. Bodovitz, Executive Director

AMENDED

NOTICE OF DETERMINATION

TO: Secretary for Resources
1416 Ninth Street, Room 1312
Sacramento, CA 95814

FROM: California Public Utilities Commission
350 McAllister Street
San Francisco, CA 941

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 22152 of the Public Resources Code

Project Title

APS/SDG&E Interconnection Project - A-59575

State Clearinghouse Number (If submitted to State Clearinghouse)

SCH 79061204

Contact Person	Telephone Number
Bill Yuen Lee	(415) 557-1748

Project Location

San Diego and Imperial Counties

Project Description

SDG&E - a double circuit 230 kV T/L from Mission Tap to Miguel Substation, and; a single circuit 500 kV T/L from Miguel Substation to the Palo Verde Nuclear Generation Units 1, 2 & 3 Switchyard.

This is to advise that the California Public Utilities Commission (Lead agency or Responsible Agency)
has approved the above described project and has made the following determinations regarding the above described project:

1. The project [X] will have a significant effect on the environment.
   [ ] will not

2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.

   [ ] A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

   The EIR or Negative Declaration and record of project approval may be examined at 350 McAllister St., San Francisco, CA

3. Mitigation measures [X] were, [ ] were not, made a condition of the approval of the project.

4. A statement of Overriding Considerations [X] was, [ ] was not, adopted for this project.

Date Received for Filing _____

Executive Director
Date _____