

Decision 83 05 110 JUN 29 1983

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of: Richard B. Matthews )  
to deviate from mandatory require- )  
ments for underground utility )  
extensions in Dunwoodie Park, Tract )  
#2, Riverside County, California, Map )  
Book 16/65. )

Application 83-02-13  
(Filed February 7, 1983)

O P I N I O N

Statement of Facts

On March 19, 1928 the Riverside County Board of Supervisors officially adopted a map of a tract of land known as Upton Acres filed by the owner Henry Upton. The tract was officially recorded as a subdivision to be styled Dunwoodie Park Tract No. 2 (Dunwoodie Park). Bounded on the north by McCall Boulevard, on the east by Menifee Road, on the west by Palomar Road, and on the south by Grand Avenue, the subdivision property lies in a rural area approximately 1 1/2 miles east of Sun City, 14 miles west of Hemet, and 16 miles south of Riverside.

Dunwoodie Park comprises 240 recorded parcels. Of these 180 are in the western half of the subdivision and range in size between 50 x 100 feet, and 80 x 100 feet. The 60 lots comprising the eastern half of the subdivision are approximately 190 x 190 feet. To the present all development has been confined within the northwestern quarter of Dunwoodie Park.

In 1979 Richard B. Matthews (Matthews) acquired 69 of the parcels in the western half of the subdivision and began construction of residential buildings on various of the parcels. Three homes have

been completed at present and are occupied. Six more are in various stages of completion. Electric and communication services in the area of the subdivision are provided by Southern California Edison Company (SoCal) and General Telephone Company (GenTel) respectively. SoCal has an overhead 12 kV distribution line fronting the northern side of the subdivision on McCall Boulevard (a connecting road leading west to Sun City). GenTel also has service on McCall Boulevard. At present the completed homes are being served by temporary overhead electric and communication lines. Matthews is at a point in his development activities where he must now have permanent extension of these services into the subdivision. Upon application to the utilities he encountered the mandatory undergrounding extension rules applicable to either service.

The area where Dunwoodie Park is situated features billowing hilly terrain, is extremely stoney and is studded everywhere by great and small granite boulders, some well over 10 feet in diameter. Everywhere there are large outcropping slabs of solid rock. As a consequence a number of the subdivision parcels are unusable as building sites. To underground utility services to the usable lots would necessitate much blasting and would involve very costly and difficult excavations. From his conferences with both SoCal and GenTel, Matthews estimates that the cost of undergrounding would be approximately four times the cost of overhead service. Excavation to serve the usable lots is estimated at approximately \$138,000.

For these reasons Matthews filed this application in which he seeks authority that would permit deviation from the mandatory undergrounding requirements contained in the extension rules of the two utilities involved. In support of his request Matthews stated that neither SoCal nor GenTel had objection to providing overhead service were an exception to their respective rules to be allowed.

Contacted by Administrative Law Judge Weiss, both utilities confirmed Matthews' statement, each noting that considering the exceptionally difficult terrain involved and the remoteness of the rural subdivision, neither had objection to an exception to the general undergrounding rule to permit them to provide overhead electric and communication services within Dunwoodie Park.

In further support of his application, Matthews enclosed letters from the Riverside County Planning Department and the County Department of Building and Safety. Both stated in these letters that they had no objection to installation of overhead power facilities in the subdivision, noting that due to the nature of the terrain and its remote location, overhead service appeared to be the most practical way to furnish electric power to this subdivision.

Should overhead service be authorized, it is estimated that approximately 6,000 feet of lines would be required to serve the subdivision. The utilities involved would share utility poles throughout the development.

Although notice of the filing of this application was included on the Commission's Daily Calendar of Wednesday, February 9, 1983, no protests to the requested exemption have been received. A staff Energy Service and Safety Branch representative visited the site and recommends that an exemption from undergrounding be granted.

#### Discussion

The general rule applicable today to all electric and communication line extensions proposed to serve residential subdivisions is that they shall be undergrounded (In re Undergrounding of Electric and Communication Utilities (1970) 71 CPUC 134, 137). However, there are exceptions to this general rule, both under grandfather clauses and where exceptional circumstances are involved (*id.*, at 137). Dunwoodie Park fails to qualify under any of the grandfather exceptions. Although the lots making up the subdivision existed as legally described parcels well before the May 5, 1970 deadline of the grandfather clause, there are not

"significant overhead lines" already existing within the subdivision (see SoCal Rule 15.C.1.a(1)). The SoCal 12 kV distribution lines which extend along the northern boundary of the subdivision, and from which the temporary power connections to several of the homes are drawn, as well as the existing GenTel telephone lines, are across McCall Boulevard, not within the subdivision. Furthermore, the only lines existing inside the subdivision itself, as the photographs included with the application illustrate (and as SoCal personnel confirm), aside from being only temporary lines, scarcely constitute what can be fairly considered "significant overhead lines."

Dunwoodie Park also fails to meet alternate grandfather clause criteria (see SoCal Rule 15.C.1.a(2) and GenTel Rule 34.A.1.g(1)a) in that although an appropriate subdivision map was indeed filed with the authorities before May 5, 1970, no agreement for service to the subdivision had been entered into with the utilities involved before the May 5, 1972 deadline applicable to these latter agreements for qualification under the particular grandfather clause. And finally (see SoCal Rule 15.C.1.b, and GenTel Rule 34.A.1.G(1)b), the minimum parcel size of the lots within Dunwoodie Park does not meet the acreage minimum established under the last of the grandfather clauses to qualify for these latter exceptions. (This last deficiency makes it unnecessary to consider the remaining conditions applicable under the final grandfather clause exceptions.)

But, In re Undergrounding, supra, also provides that where unusual circumstances make application of the general rule impractical or unjust, an exception may be made. However, the undergrounding general rule was established only after lengthy statewide hearings in which many individuals, developers, and other interested parties fully participated, and the resulting mandatory requirements will not be lightly disregarded, or exceptions granted, without a strong showing of compelling good cause (Augustus R. Parrish (1972) 73 CPUC 411).

Although technically it has existed many years, in many respects Dunwoodie Park lacks many of the attributes of typical subdivisions as we know them today. No improved roads have been provided. No water distribution or sewer systems have been installed. Private wells serve the subdivision. Nonetheless Dunwoodie Park is a subdivision or development within the context and meaning of SoCal's and GenTel's rules. It is a coordinated development by the applicant, and although some of the designated parcels cannot be built upon or will have to be merged with one or more adjacent parcels to obtain a usable building site, homes are being constructed. Even though Dunwoodie Park is in an unsettled area, relatively remote and sparsely populated, and a mile and a half from the nearest community, Sun City, nine homes thus far have either been completed or are in process of completion. People are buying them and moving in. These people need electric and communication services. It is generally conceded, not only by the utilities but also by the County's planning and safety officials, that overhead service is the only feasible way to provide these services within this subdivision. The rocky terrain would make undergrounding extremely difficult and very expensive. Undergrounding would cost about \$23 a lineal foot compared to the \$6 a lineal foot for overhead. Approximately 6,000 lineal feet of overhead would be required. ✓

Finally, looking to the environmental aspects of the application, we observe that Dunwoodie Park is not a "new" subdivision. It has existed, albeit quiescently, for a long time. Normally, line extensions in existing subdivisions require no specific approval from the Commission (indeed, customers or potential customers within a utility's service area would be entitled to service upon application as long as they complied with the provisions of the utility's tariff extension rules). In this instance the need

for further authorization arises only because an exception is sought from the mandatory undergrounding rule imposed on the utilities by this Commission in 1970 in In re Undergrounding, supra.

The only adverse environmental impact which might result from overhead lines at this site is aesthetic. However, no persons contacted objected to overhead lines, on aesthetic or other grounds. The County officials consulted have indicated their conclusion that undergrounding is just not feasible here. The local residents involved at Dunwoodie Park want overhead. The sequestered nature of this remote residential subdivision takes it essentially out of public view. Overhead lines in the extension would be constructed entirely on rights-of-way through private property with the owners consenting, and would be barely visible from the nearest public road. The utilities involved will share the poles. Thus an exception from the general undergrounding requirement cannot be considered to create a significant environmental impact in these circumstances.

Accordingly, we conclude under § 15060 that there is no possibility that granting this application for exception for the nine houses built or under construction will have a significant environmental impact. There having been no objections filed to the requested exemption, there is no need for a public hearing, and the application will be processed ex parte. Under the combination of circumstances found here there is sufficient justification for granting an exception from the mandatory undergrounding requirements contained in SoCal's and GenTel's rules. This exception will be applicable to all electric and communication line extensions required to serve the units of the Dunwoodie Park subdivision already built or under construction.

Findings of Fact

1. Dunwoodie Park was approved by Riverside County as a subdivision in 1928.
2. Dunwoodie Park is situated in a remote, sparsely settled rural area of Riverside County and development has been very slow.
3. Residential construction in the subdivision now requires extension of electric and communication service into the subdivision.
4. The terrain in Dunwoodie Park is extremely stoney, studded everywhere with great and small boulders, and with large outcropping slabs of solid rock.
5. Undergrounding electric and communication lines within the subdivision would be very difficult and would cost four times the cost of overhead service.
6. County Planning and Safety officials as well as the electric and communications utilities involved agree that overhead service is the only feasible way to serve the subdivision.
7. Overhead lines within the subdivision would be barely visible from the nearest public road.
8. Under the conditions present, there would be no significant aesthetic disadvantages to the public in extending overhead electric and communication lines in Dunwoodie Park rather than undergrounding; the applicability of mandatory undergrounding provisions of SoCal's and GenTel's tariff rules would therefore be unjust; and the requested exemption would not be adverse to the public interest.
9. There is no need for a public hearing.

Conclusion of Law

The requested exemption from the mandatory undergrounding provisions of SoCal's and GenTel's tariff rules to permit overhead extension of electric and communication lines to serve Dunwoodie Park should be granted.

O R D E R

IT IS ORDERED that Southern California Edison Company and General Telephone Company are authorized and directed to deviate from the mandatory undergrounding provisions of their respective line extension rules to the extent of providing overhead electric and communication line extensions in Dunwoodie Park Tract #2, Riverside County, Map Book 16/66. This authority is limited to the nine houses immediately at issue.

This order becomes effective 30 days from today.

Dated JUN 29 1983, at San Francisco California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO

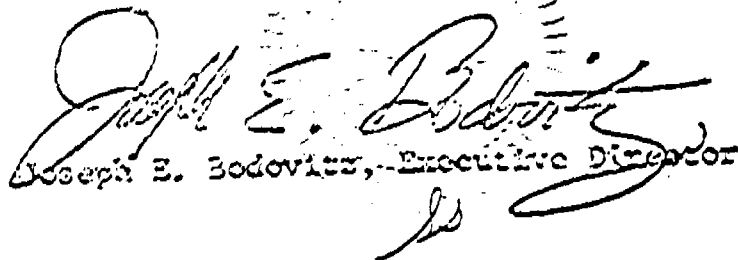
PRISCILLA C. GREN

DONALD VIAL

WILLIAM E. BAGLEY

Commissioners

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

  
Joseph E. Bodovitz, Executive Director



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Accordingly, we conclude under § 15060 that there is no possibility that granting this application for exception for the nine houses built or under construction will have a significant environmental impact. There having been no objections filed to the requested exemption, there is no need for a public hearing, and the application will be processed ex parte. Under the combination of circumstances found here there is sufficient justification for granting an exception from the mandatory undergrounding requirements contained in SoCal's and GenTel's rules. This exception will be applicable to all electric and communication line extensions required to serve the units of the Dunwoodie Park subdivision already built or under construction.