

**ORIGINAL**Decision 83 12 040 DEC 20 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In a Matter of the Application of )  
 The Pacific Telephone and Telegraph )  
 Company, a corporation, for authority )  
 to deviate from the undergrounding )  
 requirements for communication )  
 facilities along 12 miles of Highway )  
 49 between Downieville and Sierra )  
 City, Sierra County. )

Application 83-04-41  
 (Filed April 15, 1983;  
 amended April 27, 1983)

O P I N I O NApplication

By this amended application, The Pacific Telephone and Telegraph Company (Pacific) seeks ex parte authorization to deviate from the mandatory undergrounding requirement of Decision (D.) 80864 (74 CPUC 454 (1972)) which implemented Public Utilities Code § 320 (§ 320).<sup>1</sup> Pacific seeks to retain permanently an aerial cable installed on a temporary basis on an existing Pacific Gas and Electric Company (PG&E) pole line adjacent to Highway 49 between Downieville and Sierra City, Sierra County, California. This portion of Highway 49 has been designated a state scenic highway corridor pursuant to Article 2.5 of Chapter 2 of Division 1 of the Streets and Highways Code.

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"The Legislature hereby declares that it is the policy of this State to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a State scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground."

### History of Line

Until January 1983, Pacific maintained a combined trunk and exchange aerial cable along this portion of State Highway 49 in Sierra County between Downieville and Sierra City, a distance of 12 miles. This cable, which was placed in 1957, was located off the highway but was visible from the highway. About 90% of the route was tree line construction. The 12-mile route was located on Tahoe National Forest property (76%) and on private property (24%).

The original cable had been damaged by falling trees, firearms, squirrels, and moisture resulting from heavy snowfall. By October 1981, the cable was seriously deteriorated. The deterioration produced service outages which affected the 35 customers along the route as well as an entire community, Sierra City, of some 400 residents. Isolation from telephone communication caused serious concern because Sierra City has no doctor, ambulance, hospital, or local police.

In June 1982, Pacific inquired of the Commission staff about obtaining permission to replace the deteriorated cable with a new aerial cable along the PG&E pole line. The staff told Pacific to write a letter seeking permission to deviate from the mandatory undergrounding requirements of D.80864.<sup>2</sup>

"In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution." (74 CPUC at 457 (1972).)

Pacific then sent a letter on July 1, 1982 explaining the situation and requesting the deviation. Our Communications and Utilities staffs informed Pacific on September 3, 1982 that a formal application was needed.

Pacific states that it wanted to begin work before winter and that under the circumstances of this case that \$ 320 does not require undergrounding. Pacific alleges that undergrounding is not required because (1) undergrounding is not "feasible" and is "inconsistent with sound environmental planning," (2) replacement of the existing cable is not the same as construction of "future...distribution facilities," and (3) most of the PG&E pole line is not "in proximity to" Highway 49 nor is 80% of it "visible from" Highway 49.

Pacific began construction and advised the Commission. Our Executive Director informed Pacific on September 21, 1982 that the deteriorated cable could be replaced as a temporary measure to avoid service problems, but a formal application would have to be filed. The work of replacing the deteriorated cable was completed on January 12, 1983. The aerial installation cost \$600,000 compared with \$1,320,000 for underground installation.

Pacific's temporary replacement aerial cable was placed on an existing PG&E pole line. The PG&E route, which parallels Pacific's previous route, is located on Tahoe National Forest property for 76% of the distance and on private property for the remainder. It is located in a 50-foot cleared right-of-way on the top of the cliffs, back away from the canyon in which Highway 49 is located. The type of new cable is less susceptible than the old cable to damage from firearms, squirrels, and moisture. There is no danger of falling trees or branches because the PG&E line is on a cleared easement. Pacific placed 492 anchors and guys on the line to meet the heavy loading requirements at altitudes over 3,000 feet

above sea level (G.O. 95, Rule 43.1). 12.2 miles of cable were placed, beginning at Pearl Street in Downieville and ending at Church Street in Sierra City.

Pacific states that it will underground its cable whenever PG&E places its lines underground.

In compliance with Ordering Paragraph 3.B of D.80864,<sup>3</sup> Pacific has contacted the California Department of Transportation (Caltrans), the Sierra County Planning Commission (Sierra Planning), and the United States Forest Service (USFS). All agencies are in agreement with Pacific's proposal to locate the new cable on the existing PG&E pole line for environmental reasons.

Caltrans states that it will not allow the cable to be buried within the highway right-of-way because of the nature of the terrain and the adverse effects on highway users.

USFS states that the amount of vegetative disturbance required to bury the telephone line outside of the highway right-of-way is unacceptable when the line can be consolidated with an existing power line.

Sierra Planning suggests that if the power line should be buried in the future that the telephone line should also be buried.

#### Negative Declaration

The Commission, as lead agency, prepared a Negative Declaration for the project, sent it to the State Clearing House for review by agencies and to the parties on July 19, 1983. No comments have been received.

"Respondents shall review with, and seek an expression of opinion from, the appropriate local governmental agency prior to requesting Commission authorization for deviation from the requirements of paragraph 1 of this order." (74 CPUC at 468.)

The Negative Declaration supports the deviation as follows:

"Along most of the route, the power line is not visible from the highway. In most cases where the power line is visible from the highway, the added telephone cable will be visible only on close inspection. In a few places, including a small subdivision, the telephone cable will be readily visible on the power line. All along the route, the visual impact of the new cable is less than that of the cable it replaces. Installation of the new cable caused some minor disturbance of vegetation along the previously cleared right-of-way.

"Undergrounding the new cable would be technically possible, either on Forest Service land or on the highway right-of-way. However, both the Forest Service and the California Division of Highways have provided written statements that the project as proposed is environmentally preferable to an undergrounding alternative and that they will not allow undergrounding on the land under their jurisdiction. Accordingly, the project as built can be seen to have no significant adverse impact to the environment and no mitigation measure is available to allow compliance with the legal direction to underground telephone and power lines in the vicinity of scenic highways.

"Several proposed hydroelectric projects in the area may require replacing the 12 kV power line with a higher voltage line. If so, the new power line may have to be placed underground and that would certainly change the impacts of the telephone cable. The County of Sierra suggests that, if the power line is to be buried in the future, the telephone cable should also be buried then. This recommendation appears to be an appropriate mitigation measure to be included in the Negative Declaration and to be incorporated as a condition of the PT&T undergrounding exemption decision."

By letter to all parties dated August 5, 1983, the assigned administrative law judge requested that any protest to granting the application be filed by August 26, 1983. No protests have been received.

The Negative Declaration has been completed in compliance with the California Environmental Quality Act (CEQA) and the State Environmental Impact Report Guidelines (Guidelines).

Findings of Fact

1. A public hearing is not necessary.
2. Caltrans will not allow the cable to be buried in the highway right-of-way.
3. USFS will not allow the cable to be buried on its land.
4. The facilities, which Pacific seeks to retain permanently, are essential to enable Pacific to continue to provide telephone service in the area.
5. Undergrounding of the facilities would not be feasible and would be inconsistent with sound environmental planning.
6. There are no feasible alternatives to the project.
7. A Negative Declaration has been prepared.
8. The project as built can be seen to have no significant adverse impact on the environment.
9. No mitigation measure is available to underground the telephone cable in the vicinity of the scenic highway.

Conclusions of Law

1. The request for a deviation from undergrounding should be authorized.
2. Pacific should be required to underground its cable when PG&E places its line underground.
3. A Negative Declaration has been completed in compliance with CEQA and the Guidelines. We have reviewed and considered the Negative Declaration and record in reaching our decision.
4. The Notice of Determination for the project is attached as Appendix A and should be filed with the Secretary of Resources.

O R D E R

IT IS ORDERED that:

1. The Pacific Telephone and Telegraph Company (Pacific) is authorized to deviate from the requirement of undergrounding its facilities in the area delineated in Exhibit A attached to the application.

2. If the overhead power line, to which Pacific's cable is attached, is placed underground in the future, Pacific shall then underground its cable.

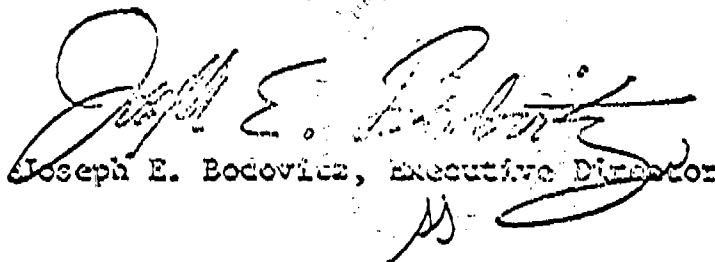
3. The Executive Director of the Commission shall file a Notice of Determination for the project as set forth in Appendix A to this decision with the Secretary of Resources.

This order becomes effective 30 days from today.

Dated DEC 20 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director

APPENDIX A  
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 94102

SUBJECT: Filing of Notice of Determination in compliance with Section 21108  
or 21152 of the Public Resources Code

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Project Title Deviation from Undergrounding Requirement: Telephone  
Cable along 12 miles of Highway 49 between Downieville and  
Sierra City, Sierra County. CPUC - A.83-04-41

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State Clearinghouse Number (If submitted to State Clearinghouse)

SCH 83072509

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Contact Person

George Hersh, Env. Prog. Mgr.

Telephone Number

(415) 557-3398

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Project Location

Highway 49 between Downieville and Sierra City, Sierra County

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Project Description Replacement of a pole and tree telephone cable  
by stringing a new cable on the poles supporting a 12 kV PG&E  
power line along a closely parallel route.

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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 ☐ will have a significant effect on the environment  
☒ will not

2. ☐ 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

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3. Mitigation measures ☒ were ☐ were not made a condition of the  
approval of the project.

4. A statement of Overriding Considerations ☐ was ☐ was not adopted  
for this project.

Date Received for Filing \_\_\_\_\_

Executive Director

Date \_\_\_\_\_

(END OF APPENDIX A)