

Decision No. 87619 JUL 19 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Temporary Authority to Occupy Both Sides of a Thoroughfare with Class "H" Circuits Pursuant to General Order 95, Rule 31.3.

Application No. 57320
(Filed May 17, 1977)

Malcolm H. Furbush and Kermit R. Kubitz,
Attorneys at Law, for Pacific Gas
and Electric Company, applicant.
Carlton Duty, for himself, protestant.
Maxine C. Dremann, Attorney at Law,
for the Commission staff.

O P I N I O N

Application No. 57320 was filed by Pacific Gas and Electric Company (PG&E) May 17, 1977 to seek temporary authority to occupy both sides of a thoroughfare with Class "H" circuits. An informal complaint has been brought to the Commission's attention regarding this proposed construction by Mr. Duty (protestant) a local landowner.

At the request of PG&E, a public hearing was held June 16, 1977 in San Francisco, California, before Commissioner William Symons and Administrative Law Judge John C. Gilman.

The application involves PG&E's 12,000 volt distribution line running west along the south side of Kent Avenue from PG&E's Guernsey substation in Kings County, California. This line is denominated as the Guernsey No. 1104 circuit. It primarily serves agricultural pumping loads at 200 service points in this farming area of Kings County.

PG&E alleged that, as a result of growth in load, including drought induced pumping, the Guernsey No. 1104 circuit no longer has adequate capacity to meet expected summer demands. It proposes to reconstruct the circuit along the north side of Kent Avenue to avoid interruptions in power deliveries during construction.

During the hearing, protestant asked for a continuance for a period of two weeks to allow his attorney to prepare for hearing and attend and also requested that the hearing be held in Hanford or Fresno. These proposals were rejected by the ALJ. Protestant stated that the proposed line on the north side of Kent Avenue interfered with his property, which, according to him, extends to the centerline of Kent Avenue. He also stated that a line on the north side of Kent Avenue would interfere with his use of a crop duster landing strip operated by himself, which is perpendicular to Kent Avenue.

PG&E called its district electric superintendent who sponsored two exhibits. He testified that the estimated 1977 summer load on Guernsey No. 1104 is 259 amps, and the capacity of the circuit is 183 amps. He also testified that if a circuit becomes overloaded, an effort would be made to reduce the overload by conservation, by serving the load from another source, and by asking customers to curtail use. In the case of the Guernsey No. 1104 circuit, only a temporary transfer of load to other circuits could be made because these other circuits will also be fully loaded during the summer. He also indicated that construction has now been stopped because of the need to obtain Commission approval of deviations from General Order No. 95 and because of the dispute with protestant. He stated that it was a matter of urgency to have the new line completed as soon as possible since the under capacity of the old line could cause service outages, intolerable to the farmers affected.

During the testimony of the PG&E witness, Commissioner Symons asked if the line could be doglegged across the road and reconstructed on the south side of Kent Avenue at that point. PG&E personnel responded tentatively indicating that such an arrangement could work and would cause only a very brief interruption in service during the transition from old to new line.

The staff presented testimony by a staff engineer. He testified that the line on the north side of Kent Avenue would be in conflict with an existing telephone line as defined by General Order No. 95, Rules 24.7 and 31.3. The reason for these provisions, as explained by the staff witness, is to avoid a transfer of energy from one line to another if a pole should be hit or fall for any reason and cause conductors of one line to reach conductors of the other line. He stated that if a complaint had not been filed, normal procedure would have resulted in a waiver or extension being granted on due assurance that the conflict would be removed.

PG&E, by letter of June 20, 1977, has indicated its intention to resolve the conflict with protestant through an interim solution along the lines suggested by Commissioner Symons. PG&E proposes to cross Kent Avenue at the point where the protestant's property begins and reconductor the existing 12-kv line on the south side of Kent Avenue from that point west. PG&E states that this will permit it to meet customers' loads during the summer, but will not eliminate the conflict with the telephone line on the north side. PG&E states that the conflict with the telephone line can be eliminated by September 1, 1977.

Discussion

PG&E's proposed construction raises three issues. The first, the use of both sides of the road, will be a very temporary problem. Once the new line is completed and energized, the old line can be removed expeditiously. Thus, there appears no reason

to deny PG&E authority to deviate temporarily from General Order No. 95 in this respect.

The second issue involves another temporary problem. The new power line overshadows an existing telephone line on separate poles. Both occupy the south side of the road within a few feet of each other. When the new power line is energized, the arrangement will not conform to General Order No. 95. If the telephone line were restrung using the new power poles as joint poles, the conflict would be eliminated. Likewise, if and when the telephone company completes a proposed undergrounding of its lines in the area, the conflict would be eliminated. Since the telephone company has scheduled^{1/} the undergrounding of these lines, it is appropriate to treat this as a temporary problem and allow a deviation until the telephone lines are either undergrounded or replaced by a joint pole line.

We have imposed a condition requiring that the telephone company give its formal consent if the new PG&E line is to be energized before the conflict is eliminated. This will ensure that the telephone company is aware of the specifics of PG&E's plans and has reviewed them to determine whether they pose any unusual hazard to telephone subscribers or employees.

The third issue concerns the possible problems caused by the impingement of the new line on the airspace presently used by protestant's agricultural aviation operation.

The end of the runway nearest the highway is used for both landings and takeoffs. The new line, being higher than the existing telephone line and closer than the existing power line will cause potential safety, as well as reliability problems, if the air operations continue without modification.

^{1/} If the telephone company is unable to eliminate the conflict by October 1, 1977, the staff will be expected to move to re-open this proceeding and to make PT&T a party hereto.

We will not, at this time, pass on the legal, factual, and policy issues between the protestant and PG&E, since PG&E has accepted Commissioner Symons' proposal as an interim solution.

PG&E will therefore be ordered not to construct the line so as to interfere with the operator's airspace. This disposition is without prejudice to the right of either party by appropriate pleadings, to reinvoke the Commission's jurisdiction to dispose of issues between the parties. If there are no such pleadings within six months of the effective date hereof, the Commission may make this disposition permanent.

Findings

1. Applicant should be authorized to construct and maintain power lines on both sides of Kent Avenue to avoid an interruption of service and to permit a necessary addition to its capacity.

2. Applicant should be authorized to construct, maintain, and utilize an energized power line in close proximity to a telephone line along Kent Avenue during a period not longer than 90 days after the effective date hereof. No significant hazard to the public or utility employees will result.

3. The power line should not be energized until the new line is in conformity with General Order No. 95 or until Pacific Telephone has consented to energization.

We conclude that applicant should be authorized to deviate from General Order No. 95 to the extent and subject to the conditions set forth in the ordering paragraphs which follow:

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company (PG&E) is authorized to construct, maintain, and utilize power lines on both sides of Kent Avenue subject to the condition that all unused poles and lines shall be removed within six months after the new line is placed in operation.

2. PG&E is, with the consent in writing of the Pacific Telephone and Telegraph Company (PT&T), authorized to energize a power line along the south side of Kent Avenue in conflict with the poles and line of PT&T for a period of ninety days after the execution date of such consent, a copy of which shall be served on the staff .

3. PG&E's new line shall be constructed no higher and no closer to protestant's runway than its existing line. Such restriction shall only apply between points parallel to the frontage

of protestant Carlton Duty's property. The Executive Director of the Commission is directed to serve a copy of this order on The Pacific Telephone and Telegraph Company.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of July, 1977.

Robert Bakin
 President
William S. ...
Vergond ...
Richard D. ...

 Commissioners

L. ...
Clare T. ...