

ORIGINAL

DEC 19 1978

Decision No. 89784

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
PACIFIC GAS AND ELECTRIC COMPANY for )  
a certificate of public convenience )  
and necessity to construct, install, )  
operate, maintain, and use Kerckhoff 2 )  
Power Plant, together with transmission )  
lines and related facilities. )

Application No. 57735  
(Filed December 9, 1977)

(Electric)

ORDER GRANTING WAIVERS

This application of Pacific Gas and Electric Company (PG&E) was accepted as complete on January 5, 1978.

Since the filing of this application the Legislature has enacted A.B. 884, adding Chapter 4.5 to the Government Code and making several changes in the Public Resources Code. These statutory provisions became effective January 1, 1978. Under A.B. 884 the subject matter of the instant application is a "development project" (Govt. Code Sec. 65928) and this Commission is the "lead agency" (Govt. Code Sec. 65929). As lead agency this Commission must approve or disapprove the development project within one year (Govt. Code Sec. 65950) or the development project is deemed approved (Govt. Code Sec. 65956).

An exception to the time limit of Government Code Section 65950 is permitted where a combined Environmental Impact Report-Environmental Impact Statement is being prepared by the lead agency and a federal agency (Govt. Code Sec. 65951).

Lead agencies are required to complete and certify Environmental Impact Reports within one year (Pub. Res. Code Sec. 21100.2). However, where a combined Environmental Impact Report-Environmental Impact Statement is being prepared and additional time is required to prepare this combined document, though less total time than to have the state and federal agencies prepare separate documents, the one-year time limit may be waived (Pub. Res. Code Sec. 21083.6). This waiver requires a request by the applicant. PG&E has made such a request in this proceeding.

Findings

1. The application in this proceeding is for a development project.
2. The Commission is the lead agency for this project.
3. A State Environmental Impact Report and a Federal Environmental Impact Statement are required for this project.
4. Preparation of a combined Environmental Impact Report-Environmental Impact Statement is in the public interest for this project and is currently under way.
5. Preparation of the combined document will require less time than preparation of each document separately.
6. PG&E has requested waiver of the one-year time limit for preparation of the Environmental Impact Report by this Commission.
7. When a combined document is being prepared the lead agency may waive the one-year time limit for project approval or disapproval.

Conclusion

The Commission concludes that the time limits for completing and certifying the Environmental Impact Report and for approving or disapproving the development project in this application should be waived.

IT IS ORDERED that the request of Pacific Gas and Electric Company is granted and the time limits for completing and certifying the Environmental Impact Report and for approving or disapproving the development project in this application are hereby waived.

Since the time limits imposed by the Government Code and the Public Resources Code will expire unless immediate action is taken on this request, the effective date of this order is the date hereof.

Dated at San Francisco, California, this 19th day of DECEMBER, 1978.

*Robert Bateman*

President

*William J. ...*

*...*

*...*

*...*

Commissioners