

Decision No. 92349      OCT 22 1980**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of A. E. Miller, Jr. )  
 for deviation to Rule No. 15 line) )  
 extensions to permit overhead )  
 utility service to Tract Numbers, )  
 8749 and 8750. )

Application No. 58547  
 (Filed December 22, 1978;  
 amended August 14, 1979)

Edwin M. Byles and Clarence Unnevehr,  
 for applicant.

Clayson, Rothrock & Mann, by Eugene A.  
Nazarek, Attorney at Law, for Hi-Desert  
 County Water District, interested  
 party.

Ellen LeVine, Attorney at Law, and  
Vladislav Bevc, P.E., for the Commission  
 staff.

O P I N I O N

By application filed December 22, 1978 A. E. Miller, Jr. (applicant), requests Commission authorization to deviate from the undergrounding provisions of Southern California Edison Company's line extension rule, Rule No. 15. Applicant plans to develop two tracts of high desert land located about two miles north of Yucca Valley in San Bernardino County, and seeks this deviation in order to permit installation of overhead electric, telephone, and cable television lines.

Were we to consider this application on its merits, there is no question that it would be denied. We are, however, precluded from doing so by the provisions of the Permit Streamlining Act (Government Code Sections 65920, et seq.). Public agencies are required by this Act to approve or disapprove applications for development projects within specified periods

of time. Lead agencies are given one year to issue a decision (Government Code Section 65950). Responsible agencies must issue a decision within either 180 days from the date on which the lead agency approves the project or 180 days from the date on which an application was received for the project, whichever is longer. (Government Code Section 65952). In the event a lead or responsible agency fails to approve or disapprove a project application within those time limits, the project will be deemed approved by operation of Law (Government Code Section 65956).

The County of San Bernardino has the principal responsibility for the development at issue and is the lead agency for the project under both the Permit Streamlining Act and the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.). The Commission is a responsible agency. As lead agency the County prepared an Environmental Impact Report and approved the project in 1978. Although applicant filed an amended application August 14, 1979 with the Commission, under Government Code Section 65952 the Commission was still required to approve or disapprove the application to construct overhead lines by February 10, 1980. Since that date has passed, the application has been approved by operation of law.

#### Findings of Fact

1. Application No. 58547 was initially filed with the Public Utilities Commission December 22, 1978 and was amended August 14, 1979.
2. The County of San Bernardino prepared an Environmental Impact Report and approved the project in 1978.
3. The Commission did not approve or disapprove the application prior to February 10, 1980.

Conclusions of Law


- 1. Applications to deviate from utility undergrounding rules are subject to the Permit Streamlining Act.
- 2. The County of San Bernardino is the lead agency for the project at issue in this application.
- 3. The Public Utilities Commission is a responsible agency for the project.
- 4. The application has been approved by operation of law under Government Code Section 65956.

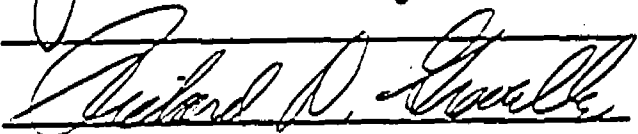
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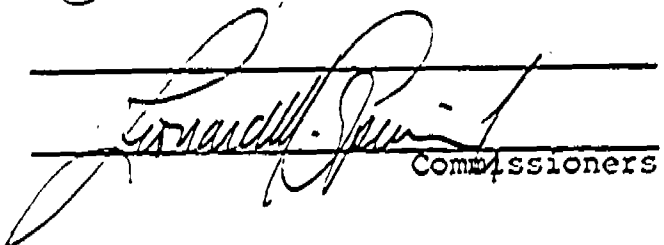
IT IS ORDERED that the application of A. E. Miller, Jr., to install overhead electric, telephone, and cable television lines has been approved by operation of law.

The effective date of this order shall be thirty days after the date hereof.

Dated OCT 22 1980, at San Francisco, California.

  
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 President

  
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 Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.