

ORIGINALDecision No. 92377 NOV 4 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)
of Mrs. Dale D. Timm to be exempt)
from the requirement of manda-)
tory undergrounding of utilities)
on North Peak Mountain, San)
Diego County.)

Application No. 59652
(Filed May 14, 1980)

Mrs. Dale Timm, for the North Peak
Property Owners Association,
applicant.
Robert L. Mahin, for the Commission
staff.

O P I N I O N

North Peak Property Owners Association (applicant) through its member and representative, Mrs. Dale Timm, seeks Commission approval of a tariff rule variance to allow an overhead extension of electric and telephone service in an area known as North Peak Mountain in San Diego County. The property is within the service areas of San Diego Gas & Electric Company (SDG&E) and The Pacific Telephone and Telegraph Company (PT&T). Applicant does not meet the criteria of SDG&E's Tariff Rule No. 15.C.1 and PT&T's Tariff Rule No. 15.I.G.1 for overhead extension of utility service, hence service would have to be extended underground.

SDG&E's Tariff Rule No. 15, Section D, provides in part:

"D. Underground Extensions

"1. General

- "a. All line extensions to serve new residential subdivisions and developments shall be made underground in accordance with Rules Nos. 15 and 15.1 unless exempted by Section C of Rule No. 15 or by the exceptional case provision of Section E.7 of Rule No. 15 or Section E.4 of Rule No. 15.1."

Applicant claims exemption from the above rule under SDG&E's Tariff Rule No. 15, Section E.7 which provides:

"E.7. Exceptional Cases

"In unusual circumstances, when the application of these rules appears impractical or unjust to either party or in the case of the extension of lines of a higher voltage the utility or the applicant shall refer the matter to the Public Utilities Commission for special ruling or for the approval of special conditions which may be mutually agreed upon, prior to commencing construction."

PT&T has essentially the same tariff rules.

Applicant alleges that the implementation of these tariff rules are impractical and unjust in this case because of the remoteness of the area, the steepness of the terrain, the difficulty of trenching, and the higher cost of underground installation. Neither utility opposes the request for a variance from the undergrounding requirements, but five letters were received from property owners in the area, all of whom opposed the application. Two noted that they would not hook on to utility service if it came to the area and all five pointed out the hazards of fire from overhead electrical lines in a densely wooded, remote area .

The Commission staff made a field investigation and found no unusual circumstances which would preclude installation of underground utilities.

After due notice, the matter was heard before Administrative Law Judge William A. Turkish on October 10, 1980.

The property in question is located about 37 miles northeast of the city of San Diego, in San Diego County. It is remote and heavily forested with elevations of 4,000 to 4,650 feet. It consists of approximately 575 acres divided into 222 lots. It is not a recorded subdivision; however, in accordance with its tariff rules, SDG&E is treating the application as an

extension of service to a subdivision since the property owners are acting together in requesting service for five or more lots. There are approximately 30 homes in the area presently, with about seven full-time residents. Many property owners simply use their land for recreational purposes such as camping. There is only one publicly maintained road in the area and it is unpaved. The remainder of the roads are privately owned and maintained.

The only utility service in the area is a mutual water system available to approximately 50 lots. The system is buried at least below the frost line. Pictures submitted during the hearing, however, showed areas of severe washout due to unusually heavy rains during the 1980 winter, and the water mains were exposed in some areas. Present homeowners use bottled gas or oil for heating, lighting, cooking, water well pumping, etc. Some owners use small home generators for electricity.

Comparative cost estimates were developed by SDG&E, PT&T, and the Commission staff of overhead and underground extensions of service to applicant's area. The estimates are approximate due to the absence of public roads or utility easements throughout the area. The comparative costs are summarized below:

<u>Item</u>	<u>Overhead</u>	<u>Underground</u>
Extension Cost:		
Electric	\$650,400	\$1,684,500
Telephone	<u>266,700</u>	<u>336,200</u>
Total	\$917,100	\$2,020,700
Cost per lot, for 222 lots:		
Electric	\$ 2,930	\$ 7,590
Telephone	<u>1,200</u>	<u>1,510</u>
Total	\$ 4,130	\$ 9,100
Underground-to-overhead cost differential ratio		2.2X

Mrs. Timm, testifying for the applicant, gave the history and status of development of the area. Exhibits included topographic and lot maps and cost estimates from SDG&E and PG&E for underground and overhead service. Extension costs for the 12.14 miles of undergrounding would be approximately \$2.02 million for electric and telephone service compared to \$0.92 million for overhead service. The terrain is steep and rocky, requiring blasting for some trenching. Mrs. Timm expressed concern that erosion along trenches due to heavy rains would be more ecologically damaging than would overhead lines, which would blend in with the conifers in the area. She testified further that unless the deviation is approved, the residents will have to provide their own generation with its attendant air pollution.

Witness De Rooy, a full-time resident of the area, testified to the erosion of roadways during the recent wet years and to the probability of additional erosion along utility trenching areas.

Witness Golliker, who maintains the dirt roads in the area, testified that some roads would have to be widened to accommodate trenching equipment and estimated this would require removal of some 250 trees.

Witness Farrow, a resident of the area and operator of the water system, testified in opposition to the application. He stated that of the 28 cabins in the area, the owners of at least 4 would not hook up to electric or telephone service even if available, citing such objections as cost, erosion damage, fire hazard and diminution of scenic views.

The Commission staff recommends that the deviation not be granted since no special circumstances could be found justifying it.

In Decision No. 75394 in Case No. 8209 dated November 4, 1969 we stated that it was our continuing policy to require underground construction as the standard in California. We reaffirmed that policy in Decision No. 80736 in Case No. 8993 dated November 11, 1972. In formulating that policy we were cognizant of the fact that the average cost of an underground extension is approximately three times that of an overhead extension.

Findings of Fact

1. The area to be served is remote, heavily forested, and scenic.
2. No significant overhead lines exist within the area where applicant is located.
3. Applicant does not meet the criteria for exception from Tariff Rule No. 15.
4. It is not impractical to construct an underground line extension to applicant's area due to the terrain.
5. Water lines serving each occupied lot have been installed along the road.
6. Cost of underground line extension in this area is not prohibitive.
7. Several residents of the area oppose the application
8. No special circumstances have been shown to exist.

Conclusion of Law

The application for deviation should be denied.

O R D E R


IT IS ORDERED that:


1. The application is denied.
2. San Diego Gas & Electric Company is not authorized to deviate from the mandatory underground requirements of Rules Nos. 15 and 15.1 of its tariffs to install line extensions to applicant's North Peak properties.


3. The Pacific Telephone and Telegraph Company is not authorized to deviate from the mandatory underground requirements of Rule No. 15.I.G.1. of its tariffs to install line extensions to applicant's property.


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

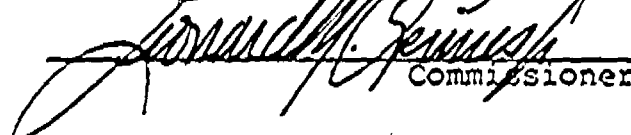
Dated NOV 4 1980, at San Francisco, California.



President








Commissioners