

Decision No. \_\_\_\_\_

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN )  
 DIEGO GAS & ELECTRIC COMPANY for a )  
 Certificate that Present and Future )  
 Public Convenience and Necessity )  
 Require or Will Require the Construction )  
 and Operation of Segments of a Single )  
 Circuit 230 Kv Transmission Line from )  
 Miguel Substation to the International )  
 Border to Interconnect with the Comision )  
 Federal de Electricidad, Baja California )  
 Norte System. )

Application No. 59172  
 (Filed October 3, 1979)

ORDER MODIFYING DECISION NO. 92448  
AND DENYING REHEARING

A Petition for Rehearing of Decision No. 92448, issued December 2, 1980, has been filed jointly by Cadillac Fairview Homes West and Western Salt Company.

We have thoroughly reviewed all of the allegations raised in the petition and are of the opinion that good cause for granting rehearing has not been shown. However, we shall modify our discussion, Findings of Fact, Conclusions of Law and Order to reflect the further study we have given to this matter in the course of examining the petitions for rehearing. Decision No. 92448 should be modified to authorize the 230 Kv transmission line between SDG&E's Miguel Substation and the International Border to interconnect with CFE along alternative route X-1 proposed by Western Salt in the manner set forth in the order.

IT IS HEREBY ORDERED that:

1. Ordering Paragraph 1 of Decision No. 92448 is modified to read in full as follows:

"1. A certificate of public convenience and necessity is granted to San Diego Gas and Electric Company (SDG&E) to construct and operate a 230 Kv transmission line between Miguel Substation and the International Border to interconnect with Comision Federal de Electricidad (CFE) along the adopted route (alternative

route X-1) in this proceeding subject to the mitigation measures recommended in the Final Environmental Impact Statement/Environmental Impact Report and in this opinion."

IT IS FURTHER ORDERED that Findings of Fact in Decision No. 92448 are modified as follows:

1. Finding of Fact 15 is modified to read:

"Alternative route X-1 would be one-half mile closer to existing residential areas than the proposed route. However, the visual impacts for each route are fairly equal."

2. Finding of Fact 16 is modified to read:

"Based on the analyses in the Final EIS/EIR, adverse environmental impacts could be mitigated to an acceptable level for either the proposed route or alternative route X-1. Either route is economically feasible. Alternative route X-1 is an environmentally acceptable route."

3. Finding of Fact 18 is modified to read:

"There is no significant difference in the amount of agricultural land impacted by alternative route X-1 as compared with the primary proposal."

4. Finding of Fact 19 is modified to read:

"There are numerous reported archaeological sites throughout the area, some of which may be affected. Historic, ethnic, and paleontological resources may also be found in the area and affected."

5. Finding of Fact 20 is modified to read:

"There are rare and endangered plant species found in the area which will not be affected by the project. Impact on other plant species being considered by the U.S. Fish and Wildlife Service for possible endangered status should be minimal."

6. Finding of Fact 30 is modified to read:

"The X-1 alignment proposed by Western Salt is an acceptable route to the primary proposal. There are no other feasible alternatives to the project."

7. Finding of Fact 32 is added to read:

"Public convenience and necessity requires authorization of route X-1."

IT IS FURTHER ORDERED that Conclusion of Law 7 is modified as follows:

"Pursuant to Section 1001 of the Public Utilities Code, the 230 Kv transmission line between SDG&E's Miguel Substation and the International Border to interconnect with CFE along alternative route X-1 should be authorized in the manner set forth in the following order."

IT IS FURTHER ORDERED that Decision 92448 is modified as follows:

The last paragraph on page 16, page 17 in its entirety, and the first three paragraphs on page 18 are deleted and the following language is substituted:

An analysis of the potential environmental impacts of the alternate alignment designated X-1 is presented in the Final EIS/EIR. It is indicated therein that route X-1 is basically equivalent to the route initially proposed with regard to potential electrical effects and impact on air quality, noise, hydrology and water quality, geologic hazards, mineral resources and soils, vegetation, wildlife, and land use. While the X-1 alternative alignment is closer to existing residential areas than the proposed route, it is still over one-half mile from the nearest residential area. A visual analysis prepared by Westec Services and submitted by SDG&E as a comment to the draft EIS/EIR concludes that the visual impacts for each route are fairly equal.

Although alternative route X-1 poses the potential for impact on at least one large archaeological site which is avoided by the initially proposed route, both routes pose the potential for impact

to archaeological sites and comparative assumptions of such impact cannot be made without the performance of further archaeological studies. A 100 percent archaeological survey will have to be conducted along the authorized right-of-way and additional information compiled in order to determine the eligibility of sites along the adopted route for the National Register of Historic Places. If a site is eligible for the National Register, the proponent must propose steps to avoid or mitigate adverse effects.

The California Environmental Quality Act does not mandate the choice by the appropriate public agency of the most environmentally benign route but only that substantial adverse environmental impacts are mitigated to an acceptable level, Laurel Hills Homeowner's Association v. City Council - City of Los Angeles 83 CA3d 515 (1978). Substantial adverse environmental impacts could be mitigated to an acceptable level for either the adopted or X-1 route and the undertaking of the mitigation measures contained in the EIS/EIR and in this opinion is a requirement of our authorization.

A formal application for approval of a development project of over 11,000 planned units was submitted on October 30, 1980, to the City of Chula Vista by Cadillac Fairview Homes West and Western Salt Company, the developers and owners, respectively, of a 3,073 acre tract of real property which would be traversed by either the proposed or alternative X-1 routes. A copy of that application was attached to the verified Petition for Rehearing. As indicated earlier, because these plans had not been formally submitted for adoption prior to the date of formal submission of the evidence, the environmental analysis in the final EIS/EIR does not consider potential impacts on community planning by Cadillac Fairview Homes West and Western Salt Company. Those parties claim that the proposed route bisects their property resulting in severe fragmentation and posing a substantial threat to their development project, whereas route X-1, which traverses more of their property, is contended to have a lesser impact and is endorsed by them. Alternative route X-1 is an acceptable route segment to SDG&E, which has stated it believes that the Commission should give considera-

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tion to landowners' preferences. The City of Chula Vista has concurred in comments to the draft EIS/EIR that these land use plans should be a factor of major consideration. The Presidential Permit issued by the Economic Regulatory Administration on January 13, 1981, permits the line's construction on either the proposed route or alternative route X-1.

We conclude that public convenience and necessity requires authorization of alternative route X-1. The 230 Kv transmission line from its Miguel Substation to the International Border about three miles north of CFE's Tijuana Substation, along alternative route X-1, should be authorized subject to the mitigation measures set forth herein.

IT IS FURTHER ORDERED that rehearing of Decision No. 92448, as modified herein, is denied.

The effective date of this order is the date hereof.

Dated MAR 17 1981, at San Francisco, California.

  
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President  
  
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Commissioners