

Decision 99-01-004 January 7, 1999

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, for a Permit To Construct the FMC Substation Pursuant to General Order 131-D. (U 39 E)

Application 97-11-024  
(Filed November 17, 1997)

**OPINION**

**Summary**

Pursuant to General Order (GO) 131-D, Pacific Gas and Electric Company (PG&E) is granted a Permit to Construct (permit) an electric substation. The proposed project is to upgrade the existing FMC Substation in the City of San Jose under the terms of Section III.B of GO 131-D and to construct a 115-kV power line. The permit is granted subject to PG&E undertaking certain mitigation measures described in the Final Mitigated Negative Declaration issued for this project.

**Project Description**

PG&E proposes the project to meet the load growth expected to occur in the downtown distribution area of San Jose and to ensure that PG&E can provide an adequate and reliable supply of electric power in the future.

The FMC Substation site is bounded by I-880, Newhall Street, Stockton Avenue, and the Union Pacific/CalTrain tracks. It is a flat, mostly vacant, paved area. The proposed substation would be a remote-controlled, three transformer bank, low profile facility within an approximately 300 by 150-foot area. The project also includes electrical bus structures and switch gear, drainage ditches and a lined catchment pond for runoff, as well as an eight-foot high solid sound

wall and landscaping along Stockton Avenue. Up to twelve 12-kV distribution lines, overhead and underground, would connect to the FMC Substation.

PG&E proposes to add a new 115-kV power line, approximately 7,700 feet long, after the second transformer bank is installed. This component of the project includes rebuilding the existing power line from the Substation B, located near the intersection of Coleman Avenue and Highway 87 off-ramp, to West Taylor Street; and adding a new power line along West Taylor Street and along Stockton Avenue, above existing 12-kV distribution lines. The new 115-kV power line would join the existing 115-kV line south of I-880, cross the freeway and enter the FMC Substation as an overhead double circuit line.

The project area is predominantly industrial, but includes a mix of commercial and older residential development. The site is designated in the San Jose General Plan for heavy industrial use, and is zoned M4 (Heavy Industrial).

### **Procedural Summary**

On November 17, 1997, PG&E filed its application and Proponent's Environmental Assessment (PEA) requesting a permit to construct the FMC Substation.

On July 10, 1998, the Commission's Energy Division (staff) issued for comments a Proposed Mitigated Negative Declaration and Initial Study, in compliance with the California Environmental Quality Act (CEQA) and Rule 17.1(f).

On October 30, 1998, staff issued a Final Mitigated Negative Declaration and Initial Study. Based on the analysis in the Initial Study and the mitigation measures identified for inclusion into the project, staff finds that the FMC Substation project will not have a significant effect on the environment.

### **Environmental Matters**

In its application, PG&E included a PEA.<sup>1</sup> Staff employed the services of Environmental Science Associates (ESA), an independent environmental consultant to assist staff with its environmental review for this project. An Initial Study was prepared that identified potentially significant impacts in the areas of geological problems, water, air quality, and noise. However, each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level by mitigation measures, which PG&E has agreed to comply with and incorporate as part of the project. These mitigation measures and monitoring requirements are set forth in the Final Mitigated Negative Declaration (Exhibit 4).

Briefly, the mitigation measures are as follows:

**Geological Problems** - PG&E is required to undertake geotechnical studies to ensure that the foundations for the power lines are designed to accommodate the expansive soils in the vicinity of the project to avoid damage to the project in the event of an earthquake.

**Water** - PG&E is required to implement a control plan to reduce the impact of silt that could be deposited in storm drains and road surfaces if construction is scheduled during the rainy season.

**Air Quality** - PG&E is required to implement a dust abatement program during construction.

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<sup>1</sup> Rule 17.1 of the Commission's Rules requires the proponent of any project to submit with its application for such project an environmental assessment which is referred to as PEA. The PEA is used by the Commission to focus on any impacts of the project which may be of concern and to prepare the Commission's Initial Study to determine whether the project would need a Negative Declaration or an Environmental Impact Report (EIR).

**Noise** - PG&E is required to implement a noise abatement program to reduce noise impacts during construction that may affect nearby residents.

### **Discussion**

In compliance with CEQA and Rule 17.1(f), the Mitigated Negative Declaration and Initial Study for the proposed FMC Substation Project were issued for public review and comment from July 10 through August 10, 1998. Four comment letters were received on these documents. These comments were reviewed by staff and written responses included in the Final Negative Declaration and Initial Study.

Based on its environmental review, Staff concluded that PG&E's proposed substation will not have significant effects on the environment. Staff's conclusion is based on the assumption that PG&E will carry out the specific mitigation measures outlined in the Final Mitigated Negative Declaration.

Since there is no controversy remaining regarding the construction of the proposed substation, we conclude there is no need for an evidentiary hearing. We will receive as the official record in this proceeding, the following:

Exhibit 1	Application of PG&E for a Permit to Construct
Exhibit 2	Proponent's Environmental Assessment
Exhibit 3	Proposed Mitigated Negative Declaration and Initial Study dated July 10, 1998
Exhibit 4	Final Mitigated Negative Declaration and Initial Study dated October 30, 1998

Having considered the information in the Final Mitigated Negative Declaration, and the comments and the responses to comments by staff, we find that the revisions in the project plans agreed to by PG&E will avoid the significant effects of the proposed FMC Substation Project, or mitigate them to a

point where clearly no significant effects on the environment will occur. We also find there is no substantial evidence in light of the record as a whole that the proposed FMC Substation Project, as revised by the mitigation measures contained in the Final Mitigated Negative Declaration, may have a significant impact on the environment. Accordingly, we adopt the Final Mitigated Negative Declaration for the FMC Substation Project.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to PU Code Section 311(g)(2) the otherwise applicable 30-day period for public review and comment is being waived.

#### **Findings of Fact**

1. The Initial Study for this project identified potentially significant impacts in the areas of geological problems, water, air quality, and noise.
2. Each of the identified potential impacts can be mitigated to avoid the impact or to reduce it to less than significant level by mitigation measures.
3. PG&E has agreed to comply with these measures and incorporate them as part of the project actions.

#### **Conclusions of Law**

1. PG&E's request for a Permit to Construct the proposed FMC Substation Project should be granted subject to PG&E including (as it has agreed to do) in the project the mitigation measures and monitoring requirements specified in the Final Mitigated Negative Declaration.
2. The Final Mitigated Negative Declaration should be adopted.

**O R D E R**

**IT IS ORDERED** that:

1. Pacific Gas and Electric Company is granted a Permit to Construct the proposed FMC Substation in San Jose, California subject to mitigation measures and monitoring requirements specified in the final Mitigated Negative Declaration.

2. The Final Mitigated Negative Declaration for the proposed FMC Substation is adopted.

3. This proceeding is closed.

This order is effective today.

Dated January 7, 1999, at San Francisco, California.

RICHARD A. BILAS  
President  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners