

Decision 99-06-038 June 10, 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 Monta Vista/Wolfe/Stelling
Looping Project Pursuant to General Order
131-D.

Application 98-10-026
(Filed October 19, 1998)

FINAL OPINION

Summary

Pursuant to General Order (GO) 131-D, Pacific Gas and Electric Company (PG&E) is granted a Permit to Construct the Monta Vista/Wolfe/Stelling Looping Project.¹ The project will create a new loop circuit between the Monta Vista and Wolfe substations in the City of Cupertino and would reconfigure two existing 115 kV circuits between the Ames substation in Mountain View and the Monta Vista substation in Cupertino. The permit is granted subject to PG&E undertaking certain mitigation measures described in the Final Mitigated Negative Declaration issued for this project.

Procedural Summary

On October 19, 1998, PG&E filed its application and Proponent's Environmental Assessment (PEA) requesting a permit to construct the Monta Vista/Wolfe/Stelling Looping Project. No protests or requests for hearings were filed.

¹ Also referred to herein as "the project."

On February 3, 1999, the Commission's Energy Division issued for comment a Proposed Mitigated Negative Declaration and Initial Study in compliance with the California Environmental Quality Act (CEQA) and Rule 17.1(f). Three comment letters were received on these documents. These comments were reviewed by the Energy Division and written responses included in the Final Mitigated Negative Declaration and Initial Study, which was issued on March 17, 1999. By ruling dated April 14, 1999, the assigned Commissioner determined that no hearings were needed in this matter. That determination was affirmed by the full Commission in Decision 99-06-003.

Project Description

PG&E proposes the project to meet the load growth projected to occur in the cities of Mountain View and Cupertino. In particular, PG&E needs to better balance the existing system in order to prevent thermal emergency circuit overloads and potential service interruptions to PG&E customers in the area.

The Mountain View and Cupertino areas are served by four distribution substations (Mountain View, Whisman, Wolfe and Stelling). These four substations are fed from the north by the Ames Substation in Mountain View and from the south by the Monta Vista Substation in Cupertino through Circuits #1 and #2 of the Ames-Monta Vista 115 kV power line. The project will entail (1) disconnecting the Mountain View substation from Circuit #1 and reconnecting it to Circuit #2, and (2) disconnecting the Wolfe and Stelling Substations from Circuit #2 and reconnecting to a new loop Circuit #3 that would link these two substations to the Monta Vista Substation. The result would be a better balanced system: Circuit #1 would serve only the Mountain View Substation, Circuit #2 would serve only the Whisman Substation, and Circuit #3 would serve the Wolfe and Stelling substations.

Most of the project consists of two activities: (1) reconductoring existing power lines and (2) reconfiguring power line circuits wholly within the Mountain View and Whisman Substations. Reconductoring involves removing the old conductors from existing towers and poles and stringing new lines on those existing towers and poles. For this part of the project, no new towers or poles will be installed.

In order to create the new loop circuit connecting Wolfe and Stelling Substations to Monta Vista Substation, a new double circuit 115 kV line approximately 1.5 miles in length (Circuit #3) will be constructed between the Monta Vista Substation and Circuit #2 located on property owned by the Santa Clara Valley Water District. The new section of Circuit #3 will be constructed underground. Construction of the project will occur over a period of six months.

Project Alternatives

Section IX B.1.c. of GO 131-D requires the applicant to discuss the reasons for selecting the proposed power line route or substation location, including a comparison of the advantages and disadvantages of alternative routes. PG&E's preferred routing of the new line was compared with 6 alternatives. The preferred routing was superior to the alternatives either in terms of visual quality impacts or other factors, such as compatibility with the Santa Clara County Expressway Policy. The preferred routing was also superior to some alternatives because it avoids introducing new 115 kV overhead circuits in the immediate vicinity of sensitive land uses, e.g., schools and day care centers.

Environmental Consideration

CEQA requires the Commission to assess the potential environmental impact of a project in order that adverse effects are avoided or mitigated, and environmental quality is restored or enhanced to the fullest extent possible. To achieve this objective, Rule 17.1 of the Commission's Rules requires the

proponent of any project subject to Commission approval to submit with the application for such project an environmental assessment which is referred to as the 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.

As discussed above, PG&E filed its PEA with its application for a permit to construct. The Energy Division completed its Initial Study and determined that the project would have less than a significant environmental impact or no impact in the following areas: land use and planning, population and housing, geologic problems, air quality, transportation/circulation, energy and mineral resources, hazards/noise, public services, utilities and service systems, visual resources, cultural resources, recreation and cumulative impacts.

Based on the Initial Study, the proposed project would have potentially significant environmental impacts in the area of water and biological resources. 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. In addition, PG&E has incorporated other mitigation measures into the project that would lessen the potential environmental effects in other areas. These mitigation measures and monitoring requirements are set forth in the Final Mitigated Negative Declaration.

Briefly, the mitigation measures are as follows:

Water—PG&E will not do any work within 50 feet of two local creeks and all spoils will be loaded directly into dump trucks and hauled to approved dumping locations.

Biological Resources—PG&E will conduct a survey of the construction area for raptors and their nests by a qualified biologist. If avoidance of an active nest is not practicable, a buffer zone of 250 feet will be maintained for equipment and activities. A qualified biologist will be consulted to monitor nest activity.

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

Section X of GO 131-D requires that applications for a permit to construct include a description of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields (EMFs) generated by the proposed facilities. PG&E presents a description of measures to reduce potential exposure to EMFs that are in accordance with D.93-11-013 and consistent with PG&E's Transmission and Substation EMF Design Guidelines.

Discussion

Since there is no controversy regarding the construction of PG&E's proposed project, and no need for 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 and PEA,
dated October 19, 1998

Exhibit 2--Proposed Mitigated Negative Declaration and Initial Study, dated February 3, 1999

Exhibit 3--Final Mitigated Negative Declaration and Initial Study, dated March 17, 1999

PG&E's application documents the need for this project to better balance the existing system in order to prevent thermal emergency circuit overloads and potential service interruptions to PG&E customers in the area. PG&E also demonstrates that the proposed route for the project is superior to alternatives from environmental and cost perspectives. The environmental document developed in compliance with CEQA identifies no significant environmental effects of the project that cannot be avoided or reduced to non-significant levels by mitigation.

In view of the above, we will grant PG&E a permit to construct the project, subject to the mitigation and monitoring requirements set forth in Exhibit 3. Accordingly, we adopt the Final Mitigated Negative Declaration for this project. In addition, PG&E will report to the Energy Division on the actions described in Attachment 1.

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

Findings of Fact

1. The project is needed to meet rising demand and help prevent thermal emergency circuit overloads and potential service interruptions to PG&E customers.
2. The proposed route for the project is superior to all of the alternatives from an environmental and/or cost perspective.

3. PG&E's application conforms to the requirements of GO 131-D and our Rules of Practice and Procedure (Rule 17.1).
4. The Mitigated Negative Declaration reflects the independent judgment of the Commission.
5. The contents of the Mitigated Negative Declaration conform to the requirements of CEQA.
6. The Mitigated Negative Declaration identified no significant environmental effects of the project that could not be avoided or reduced to non-significant levels by changes to the project that have been accepted by PG&E.

Conclusions of Law

1. The Mitigated Negative Declaration has been processed and completed in compliance with the requirements of CEQA, and should be adopted.
2. PG&E should be granted a permit to construct the project, 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.
3. Because there are no further issues to address in this case, this proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. The Mitigated Negative Declaration for the Monta Vista/Wolfe/Stelling Looping Project, which includes mitigation and monitoring requirements, is adopted pursuant to the requirements of the California Environmental Quality Act.
2. The Energy Division shall file the Draft and Final Mitigated Negative Declaration and Initial Study with Central Files as part of the record in this proceeding.

3. Pacific Gas & Electric Company (PG&E) is granted a Permit to Construct the Monta Vista/Wolfe/Stelling Looping Project, subject to the mitigation and monitoring requirements specified in the Final Mitigated Negative Declaration. PG&E shall report to the Energy Division on the actions described in Attachment 1.

4. The Commission does not, by this order, determine that PG&E's construction program is necessary or reasonable for ratemaking purposes. These issues are normally tested in general ratemaking proceedings.

5. This proceeding is closed

This order is effective in 30 days.

Dated June 10, 1999, at San Francisco, California.

RICHARD A. BILAS

President

HENRY M. DUQUE

JOSIAH L. NEEPER

LORETTA M. LYNCH

JOEL Z. HYATT

Commissioners

ATTACHMENT 1

MITIGATION MONITORING REQUIREMENTS

PACIFIC GAS AND ELECTRIC COMPANY'S
APPLICATION NO. A.98-10-026
MONTA VISTA/WOLFE/STELLING LOOPING PROJECT

**Summary of Mitigation Monitoring Requirements for
PG&E's Monta Vista/Wolfe/Stelling Looping Project**

Area: Land Use

Monitoring Action:

PG&E shall provide the CPUC mitigation monitor with documentation of compliance, including copies of newspaper notices and posted bulletins and documentation of where and when the notices and bulletins were posted.

PG&E shall provide the name and contact information for its public affairs representative assigned to this project as soon as that person is identified by PG&E. The public affairs representative shall inform the CPUC mitigation monitor of all concerns and issues raised during contacts with the general public and agency representatives.

Area: Geology and Soils

Monitoring Action:

Re. soil erosion – PG&E shall inform the CPUC mitigation monitor of all actions taken to minimize soil erosion, and shall certify in its regular status reports that construction setback requirements are established and maintained, and that excavated material is immediately removed from the site.

The CPUC mitigation monitor will inspect the site before construction activities begin to ensure proper setbacks are established.

Re. seismic hazard – PG&E shall certify to the CPUC mitigation monitor that all equipment used for the project was procured using the seismic requirement of IEEE 693, and that it has complied with all relevant requirements of CPUC General Orders 95 and 128.

Area: Water

Monitoring Action:

PG&E shall submit its erosion control plan to the CPUC mitigation monitor at least 30 days prior to commencing construction activities, and shall not commence construction activities until the mitigation monitor approves the erosion control plan. PG&E shall certify compliance with the erosion control plan in its regular status reports to the CPUC mitigation monitor.

Area: Air Quality

Monitoring Action:

PG&E shall certify to the CPUC mitigation monitor that all personnel working on the project have received training on how to minimize air quality impacts during construction. PG&E shall certify to the CPUC mitigation monitor that all other applicable mitigation measures are taken to control fugitive dust, and shall document these actions in its regular status reports to the CPUC mitigation monitor.

Area: Transportation and Circulation

Monitoring Action:

Prior to commencing construction activities, PG&E shall submit copies of all Traffic Management Plans to the CPUC mitigation monitor and certify that the relevant agencies have reviewed and approved such plans. Prior to commencing construction activities, PG&E shall submit copies of all permits obtained from the relevant agencies.

PG&E shall certify to the CPUC mitigation monitor that it has complied with all other mitigation measures concerning transportation and traffic impacts. PG&E shall document all communications with local agencies concerning coordination of construction activities and noticing requirements as part of its regular status reports to the CPUC mitigation monitor. This documentation shall include records of the place and time all noticing and warning signs are posted

Area: Biological Resources

Monitoring Action:

Re. disturbance of nesting raptors/migratory birds – PG&E shall notify the CPUC mitigation monitor of the identity of the qualified biologist prior to conducting the survey, and shall submit copies of the raptor/nest survey to the CPUC mitigation monitor as soon as the survey is completed. If an active nest is detected and avoidance is not practicable, prior to beginning construction activities the CPUC mitigation monitor shall inspect the site to ensure PG&E has established the proper buffer zone. If nest activity is uncovered during construction, PG&E shall consult with a qualified biologist, who will inspect and monitor the nesting activities, and report the results of the inspection to the CPUC mitigation monitor. PG&E shall also notify the CPUC mitigation monitor of all consultations with the California Department of Fish and Game and the U.S. Fish and Wildlife Service concerning additional mitigation that may be required if nests are disrupted or abandoned. PG&E shall report to the CPUC mitigation monitor in regular status reports all relevant information and communications concerning biological resource impacts and mitigation.

Re. disturbance of botanical resources – The CPUC mitigation monitor shall inspect the site prior to commencing construction activities to ensure PG&E has constructed the temporary fence around the dripline of the valley oak tree adjacent to the laydown area on the west side of Heney Creek. PG&E shall

document to the CPUC mitigation monitor that all trees removed from SCVWD property were replaced with appropriate native vegetation.

Area: Hazards

Monitoring Action:

PG&E shall document to the CPUC mitigation monitor all soil sampling and potholing conducted prior to start of construction and that soil information was provided to construction crews to inform them about soil conditions and utility locations. PG&E shall monitor the trench for possible contamination from hazardous materials and shall immediately report any discovery of hazardous materials to the CPUC mitigation monitor. If hazardous materials are detected, PG&E shall document to the CPUC mitigation monitor that the material was properly identified and remedial action was taken in compliance with federal, state, and local environmental regulations, including Chapter 6.95 of the California Health and Safety Code and Title 22 of the California Code of Regulations. PG&E shall also document that all hazardous materials were handled, transported, and disposed of in accordance with federal, state, and local environmental regulations. PG&E shall document that all applicable fire prevention measures are in place prior to commencing construction activities, and that all construction personnel receive training on fire prevention.

Area: Noise

Monitoring Action:

PG&E shall document to the CPUC mitigation monitor all communications with the City of Cupertino and Santa Clara County concerning coordination of construction activities. PG&E shall document to the CPUC mitigation monitor that all relevant noise prevention and reduction measures are taken before and during construction.

Area: Utility and Service Systems

Monitoring Action:

Before any ground disturbance occurs, PG&E shall document to the CPUC mitigation monitor that it has contacted Underground Service Alert (USA) to verify the location of existing underground utilities, and that it has asked representatives of all applicable utility companies to be present during activities that affect their respective utility infrastructure. PG&E shall also document to the CPUC mitigation monitor that it has posted appropriate noticing and warning signs and has installed appropriate temporary crossing structures where needed.

Area: Cultural Resources

Monitoring Action:

PG&E shall document to the CPUC mitigation monitor that all construction personnel received environmental training concerning the possibility of uncovering buried remains and the procedure they should follow if buried cultural remains are encountered during construction. PG&E shall also document to the CPUC mitigation monitor all communications and actions taken by PG&E's archeologist and the Santa Clara County coroner concerning identity and treatment of the cultural resources uncovered during construction activities. If Native American remains are found, PG&E shall document to the CPUC mitigation monitor that notified the Native American Heritage Commission (NAHC) within 24 hours of the discovery. PG&E shall document in its regular status reports to the CPUC mitigation monitor all communications with the NAHC and other agencies and parties concerning treatment of cultural resources encountered during the project.

(END OF ATTACHMENT 1)