

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-3498
AUGUST 1, 1997

R E S O L U T I O N

RESOLUTION E-3498. POST NEWSWEEK CABLE COMPANY REQUESTS A DEVIATION FROM PUBLIC UTILITIES CODE SECTION 320. THE PROPOSED DEVIATION IS TO OVERLASH ADDITIONAL FIBER CABLE ON EXISTING CABLE ALONG SCENIC HIGHWAY 12, FROM DANIELLI RD. TO OAKMONT DR. EAST OF THE CITY OF SANTA ROSA. THIS RESOLUTION APPROVES THIS REQUEST.

BY LETTER DATED MAY 9, 1997 POST NEWSWEEK CABLE COMPANY.

SUMMARY

1. On May 9, 1997, Post Newsweek Cable Company (PNC) requested a deviation from Public Utilities Code (P.U.Code) Section 320 along the "scenic highway" section of Highway 12 in central Sonoma County. The request is that they be allowed to overlash an additional fiber optic aerial cable on an existing PNC cable on a Pacific Gas and Electric Company (PG&E) owned pole line.
2. No protests were received for this request.
3. Because of the legislative mandate requiring underground installation, PNC requires Commission approval for overhead installation. This Resolution approves the request for a proposed overlash of an additional fiber optic cable on the existing aerial cable.

BACKGROUND

1. P.U.Code Section 320 was enacted in 1971, Chapter 1697, and reads in part as follows:

The legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the

undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the commission relating to the undergrounding of facilities and.....The commission shall require compliance with the plan upon its adoption.

2. The Commission is responsible for the administration of Section 320 of the P.U. Code. After hearings conducted in Case 9364, Commission Decision (D.) 80864 implemented the State Legislation. D. 80864 states that:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution. (74 CPUC 457, D.80864)

3. D.80864 stipulates that no communication or electric utility shall install overhead distribution facilities "in proximity to" and "visible from" any California corridor on a designated scenic highway in California unless a showing is made before the Commission, and a finding is made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning.

4. PNC, a franchised cable television provider for the City of Santa Rosa has requested a deviation from P.U. Code Section 320. PNC would like to overlash an additional fiber optic cable to its existing aerial cables along the south side of Scenic Highway 12 from Danielli Rd. to Oakmont Dr. on the east side of the City of Santa Rosa. The distance of this stretch is approximately .72 statute miles.

5. There are existing pole lines along both sides of the roadway in this area. Pacific Bell's line is on the north side and PG&E power lines are located on the south side of the highway. PNC has existing lines attached to the PG&E poles. The proposed additional fiber optic cable is of .63 inches in diameter and would increase the visual diameter by less than .10 inch.

6. The construction activity to excavate and construct a new underground structure could be disruptive and hazardous to traffic on this two lane road which is the commute path between the City of Santa Rosa and the Oakmont area as well as to Kenwood, the City of Sonoma and all points east.

7. This area is lined with trees on both sides of Highway 12 which could be affected by excavation adjacent to and through the root zones. These trees give an arbor-like effect for the motorists passing through this area and give this road a unique character.

8. The cost to place the proposed fiber optic cable underground and build a conduit structure to house it is estimated to be \$77,090, as compared to an overhead overlash cost of \$5,612.

August 1, 1997

NOTICE

Notice of PNC's letter of May 9, 1997 appeared in the Commission Calender on May 15, 1997.

PROTESTS

No protests were recorded for this request for deviation.

DISCUSSION

1. The Commission staff conducted a field investigation of the site and has determined that the visual impact of the addition would be minimal and would not be noticeable to the general public. The new fiber optic cable will be hidden visually by the two existing cables and strand.
2. Energy Division finds this request to be reasonable and recommends the Commission grant this deviation.

FINDINGS

1. By letter dated May 9, 1997, Post Newsweek Cable requests a deviation from California P.U.Code Sec. 320. Post Newsweek Cable proposes to overlash an additional fiber optic cable, to the existing aerial cables and strand, in order to meet its franchise requirement agreements with the City of Santa Rosa.
2. The estimated cost of undergrounding the proposed fiber optic cable of \$77,090 is approximately thirteen times that of overlashing to the existing overhead cable. This cost disparity renders the underground alternative impractical.
3. There is a considerable risk that the excavation could cause damage to the root system of the existing trees which give the road a unique character.
4. The addition of this small fiber optic cable overlashed on the existing overhead cables and strand would not be noticeable to the general public and would not add significantly to the visual perception of the motorists driving along this scenic highway.

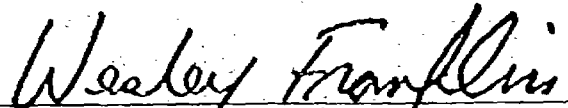
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THEREFORE, IT IS ORDERED that:

1. Pacific Newsweek Cable's request to overlash an additional fiber cable to the existing overhead cables and strand, in order to meet the requirements of its franchise agreement with the City of Santa Rosa is approved. This Resolution should not be considered as precedent in any manner, as the facts and circumstances of this request for deviation are unique and applicable only to this case.

2. This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on August 1, 1997. The following Commissioners approved it:



Wesley Franklin
Executive Director

P. Gregory Conlon, President
Jessie J. Knight, Jr.
Henry M. Duque
Josiah L. Neeper
Richard A. Bilas
Commissioners