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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the Commission's own motion to develop policies and procedures for addressing the potential health effects of electric and magnetic fields of utility facilities.	)	F I L E D PUBLIC UTILITIES COMMISSION JANUARY 15, 1991 SAN FRANCISCO OFFICE I.91-01-012

(See Attachment 1 for service list.)

ORDER INSTITUTING INVESTIGATION

I. Statement of Scope

With this order, the Commission begins an investigation of its potential role in mitigating possible health effects of electric and magnetic fields created by electric utility power systems, or in mitigating possible health effects from fields emitted by cellular radiotelephone towers. At present, the scientific community has not reached consensus on the nature of any health impacts from contact with electric and magnetic fields or by radiation from cellular facilities. Nonetheless, a body of evidence has been compiled which raises the question of whether adverse health impacts might exist. Electric and magnetic fields are everywhere in modern societies. At the same time that they may be exposed to fields from power facilities and cellular radiotelephones, Californians are exposed to many other electromagnetic sources including sunlight and the different frequencies emitted by electronic devices, video displays, electric powered mass transit, stray fields from microwave communication links, pagers, and non-cellular radiotelephones, etc. It is extremely difficult for scientists and regulators to isolate the impact of utility-related exposures on public

health.[1] The Commission therefore finds it advisable to open an OII at this time to explore both the scientific evidence and the range of prudent regulatory responses.

Before determining appropriate action, the Commission should act in response to some conclusion, based on scientific evidence, which would indicate that a health hazard actually exists, and that a clear cause and effect relationship between utility property or operations and public health is established. The appropriate agency to define the research needed to support such a conclusion, to determine the status of current research, and to determine whether a scientific consensus exists about the nature of the public health risk, is a public health agency such as the Department of Health Services. The CPUC worked with the DHS in response to SB 2519 and intends to rely upon the expert judgement of that agency to inform the CPUC as to the type of public health risk, if any, associated with utility property or utility operations.

In response to guidance from the DHS on the nature of the risks, the Commission, as a result of the record developed in this investigation, may change its existing rules, regulations, and policies regarding the operation, design, construction or siting of electric utility power facilities (including those facilities located near those of telephone utilities, insofar as they subject telephone utility employees to high levels of exposure to electric or magnetic fields), or cellular or microwave facilities to mitigate potential health effects. Also, this investigation will consider whether additional research should be undertaken or funded by California investor-owned utilities.

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1 See *Potential Health Effects of Electric and Magnetic Fields from Electric Power Facilities*, Joint Report of the California Public Utilities Commission and the California Department of Health Services to the California State Legislature, September 15, 1989. This report was prepared in response to the enactment, in the Legislature's 1988 Regular Session, of SB 2519, Stats.1988 ch. 1551 (hereafter, "SB 2519").

The Commission is building upon responses of which it has learned to the specific conditions identified in the Kramer-Victor decision (D.90-09-059). We believe that an investigation of responses to the public concern over potential health effects of electric power frequency fields is necessary at this time to assure public confidence in the maintenance of safe, reliable, and reasonably-priced electricity service in California. It is appropriate that the Commission at this time consider what additional measures should be weighed and adopted for regulated electric utilities in California.

We note that other jurisdictions and agencies have concluded that, in the absence of final resolution of the question of transmission line-related health risks, the best response is a prudent one, to avoid unnecessary new exposure to electric and magnetic fields if such avoidance can be achieved at a cost which is reasonable in light of the risk identified. Thus, if at a future time a health risk is determined to exist, government will have acted responsibly and rationally to avoid unnecessary exposure to that risk.

In the area of cellular communications the issue of possible health effects of electric and magnetic fields at frequencies and intensities emitted by towers or microwave facilities has been raised in the environmental review of various projects. Therefore it is also appropriate for this OII to review any regulatory actions proposed for these facilities by various persons and parties.

In this order, we identify the issues which we will investigate and the goals we desire to achieve. California's major electric and telecommunications investor-owned utilities (IOUs) and other interested parties are requested to file written comments as set forth below containing their favored proposals and other information requested in this order. Based on the comments received, the Commission will consider setting issues for hearing, issuing a rulemaking, or other procedural options. Based on the record developed in this investigation, the Commission will

consider changing the rules, regulations, and policies that apply to the issues raised in this order.

II. Background:

A. Properties and Variability of Effects for Electric and Magnetic Fields.

Electric and magnetic fields are created whenever electric current exists. The alternating current used in common household applications changes direction 60 times per second and so produces a 60 cycles per second (Hertz) field, a very low frequency. Cellular radiotelephones operate at much higher frequencies in the hundred million Hertz range. This difference in frequency means that any effects these two kinds of fields might have on biological systems can be expected to be very different. Radio systems that are very sensitive to cellular radiotelephone frequencies can be almost completely insensitive to power line frequencies. In ordinary day-to-day experience, the typical field strength exposures experienced by the general public are very low for both power line and cellular radio frequencies. Individual cellular radiotelephone transmitters are limited to a power level of about 100 watts, the power consumption of a good reading-lamp light bulb.

The health effects that have occupied recent news stories are related to very weak power-line frequency fields. Such fields have produced changes in laboratory test situations and have been associated with human health effects in a number of studies. Other less urgent aspects of the electromagnetic effects of power lines include induced current, shock hazard, hazard to heart pacemakers, corona discharge, spark and arc, magnetic induction, radio/television interference, and air ions from DC transmission lines. These better-known effects of powerlines seem to have little relation to the potential health effects which are the subject of this investigation. However, they are common sources of public complaint. For example, inquiries to the Commission suggest that some people readily

conclude that if their radio or television is acting up, a threat to their health may be present.

Public concern often confuses AC power-line potential risks with the different possible risks cited in connection with the U.S. Navy's Extremely Low Frequency (ELF) Transmitter projects, high voltage DC transmission line construction, and other forms of radiation such as microwave transmission or ionizing radiation. Some household appliances like microwave ovens and computer displays can emit both low and high-frequency fields with quite different associated concerns.

These kinds of confusion have increased public distrust of AC transmission lines. There is no present scientific consensus about how much concern is appropriate. It is clear that transmission line fields can produce biological effects. It is not clear if those effects create health hazards.

B. Existing Commission Health, Safety, and Environmental Obligations

Under Article XII, Section 6 of the state constitution the CPUC is empowered to establish rules for the utilities it regulates. Public Utilities Code Section 451 requires regulated public utilities to furnish and maintain service, equipment, and facilities as necessary to promote the health and safety of its patrons, employees, and the public. Using these authorities, the CPUC has issued General Order 95, which sets safety standards for the construction of electric power lines. California courts have held that G.O. 95 is also a minimum standard for municipal utilities which otherwise set their own standards.

Further, Public Utilities Code section 1002 requires the Commission, in granting any certificate, to consider the potential effects of the project on community values and on the environment. The Commission has also published its own California Environmental Quality Act (CEQA) compliance guidelines in its Rule 17.1 and the associated Information and Criteria List. These regulations apply to projects for which the Commission issues certification or other permits.

At present, none of these regulations specify information on either electric or magnetic fields. G.O. 131-C, Rule 17.1, and the Commission's Information and Criteria list set forth the information which must be supplied to the Commission by an applicant who wishes to construct an electric power transmission line.

Public Utilities Code Section 1001 requires a single initial certification when a utility begins operation in California. Subsequent expansions of plant and equipment are ordinarily exempt from further permit requirements by the Commission and no further environmental review is performed. However, in the case of high voltage transmission lines, the Commission issued General Order (G.O.) 131, which requires individual certification applications for each new line. For cellular radiotelephone utilities, required information on construction of sites added after initial certification is specified in General Order 159.

No similar order has been issued for substations, switchyards or other localized facilities. At present, the Commission's permitting power for facility construction is exercised only for high-voltage power lines. OII 83-04-03 is considering whether to lower the voltage limit on permitting set by G.O. 131-C from its present value of 200 kV to 50 kV. Such a change would have the effect of increasing the number of power lines which require specific Commission review and permitting before construction. Other portions of utility power systems which may be significant sources of exposure to electric and magnetic fields such as distribution lines below 50 kV, transformers, substations, and switchyards, do not require permit review for construction.

III. Goals of this OII

In determining an appropriate policy for response to concerns about potential health effects of electric and magnetic fields, the Commission desires to achieve the goals listed below. Parties filing comments should craft their proposals accordingly:

A. Develop a series of policy and regulatory approaches and programs to match the range of possible severities and causations of EMF public health problems.

B. Develop criteria for evaluating these approaches and programs.

C. Evaluate, recommend, and implement policies and programs as appropriate, based on guidance from the DHS as to the consensus of the scientific community on the nature of the public health risk.

D. Desirable features of any proposed response include:

1. Maintain reliable service and reasonable rates.

2. Protect public safety, health, and well being.

3. Maintain flexibility.

4. Promote the development of scientific and engineering understanding of the effects of EMF.

5. Ensure administrative feasibility and simplicity.

IV. Regulatory Strategies and OII Questions:

A. Regulatory Strategies

We have identified four general strategies that are available to regulators in response to advice from the DHS on the nature of a public health risk in this area.

1. Conclude that there is not enough evidence to warrant any action and continue research into potential health effects of EMF.

2. Conclude that some action must be taken, even with insufficient information on beneficial regulatory action. One possible course of action would be to set numerical exposure standards equal to existing measured electric and magnetic field strengths. Such an action would restrict exposure increase, but would do nothing about present exposure levels or about new areas becoming exposed to field levels less than than the standards defined.

3. Conclude that there is some basis for concern and use prudent avoidance. "Prudent avoidance" is a policy of limiting electric or magnetic field exposures which can be avoided with small investments of money and effort while, for the moment, foregoing other more extensive measures.

4. Conclude that we face a serious health problem and commit substantial time and money to an aggressive program of limiting electric or magnetic field exposures while acknowledging that because of present scientific ambiguities, some or all of this effort may turn out to be wasted. This is the kind of all-out response that would be triggered by well-supported research results demonstrating clear causal connections for serious disease.

If a strategy calling for regulatory action is adopted, a wide range of possible actions is available. Levels of action and responsibilities for carrying out specific actions must then be selected carefully from the universe of possible actions, including, but not necessarily limited to, the following:

1. Electric Power Utility Mitigation:[2]

   a. Customer education, disclosure, and measurement. Many California utilities are now providing information and some form of electric or magnetic field measurement service to concerned customers.

   b. Mitigation for utility employees. A broad range of possible actions exists to reduce exposures for line and office workers with occupational risks demonstrated by studies.

   c. Transmission mitigation.

      Possible actions include surveys of electric and magnetic field exposure, calculation of new exposures from proposed lines, rerouting, purchase of homes and businesses too near existing or planned routes, underground installation of new lines, undergrounding existing lines, tower redesign to reduce fields, right-of-way enlargement, increased use of direct current for long distance transmission, redesign and relocation of substations, etc.

      Most field exposure may not come from the large high-voltage cross-country transmission lines, but from the ordinary distribution lines that crisscross cities all over the United States. Research is underway to identify the sources and sizes of exposures, but more work is needed. One possibility here is to survey and compare representative samples of existing above-ground and underground facilities in California. Undergrounding is often recommended, but may not always be an answer. Undergrounding costs are high and placing lines underground does not necessarily reduce public exposure to

2 Cellular radiotelephone mitigation would differ to take account of the nature of low intensity broadcast signals.

fields without detailed engineering attention to the specific case.

d. Distribution mitigation (utility side of meter). Possible actions are similar to those identified for transmission lines. Undergrounding lines or changing grounding practices and wire configurations may reduce electric and magnetic field exposures. Undergrounding some lines is currently mandated by Public Utilities Code Section 320 and by various Commission Orders relating to new residential subdivisions.

e. Resource and industry restructuring. These are the kinds of responses which might be adopted in response to extreme public concern or demonstrations of health hazards more severe than any yet suggested. Conversion to local DC alternative generation and solar power systems, advocacy of conservation, load management, and radical reduction in use of electricity.

2. Further research.

B. OII Questions

In this investigation, the Commission will consider changing rules, regulations, and policies in the areas identified in the following questions. Respondents and interested parties are to file proposals that respond to those questions which are applicable:

1. General Policy Questions

a. Do the four strategies identified in this OII reasonably describe the range of alternatives for addressing the problems identified? If not, what are other reasonable options consistent with the Commission's goals?

i. What is the extent of human exposure to electric and magnetic fields from all sources? Which

population groups receive the highest exposures? How are exposures caused by electric utility facilities related to those from other sources?

ii. What specific frequencies and intensities of electric and magnetic field exposures are associated with cellular radiotelephone towers and related facilities? What human exposures result?

b. At the present state of scientific understanding, which strategy, if any, do you support? Explain your reasoning. What specific conclusions or findings by the California Department of Health Services or other qualified public-health agency would lead you to support additional or different measures?

c. What specific Commission general orders, tariff rules, or decision rules need to be created or modified? What utility proceedings (e.g., applications for certificates of public convenience and necessity, general rate cases) would be affected?

d. Does your recommended course of action require legislation?

e. How do you recommend the Commission proceed in its investigation? Do you recommend hearings? If yes, on what issues?

f. If you recommend increased research on the effects of power frequency or cellular radio frequency electric and magnetic fields:

i. What specific research should be pursued?

ii. What should be the level ($) of funding?

iii. How does that level compare to existing levels?

iv. Who should conduct the research (utility, EPRI, NARUC/NRRI, outside researchers)?

v. Who should manage the projects?

vi. What reporting should be made to the Commission?

vii. What is the rate impact of your recommendation?

g. What other issues, not discussed elsewhere in this OII, are pertinent to this investigation?

2. Questions Specific to the Electric Power Industry:

a. If action proves needed:

i. What alternative actions are appropriate for consideration for utility sources of exposure (transmission and distribution lines, switchyards and substations, pole transformers, drop lines, and house and business meters)?

ii. What alternative actions are appropriate for consideration for non-utility sources of exposure (building wiring/grounding, appliances)?

b. What alternative actions are appropriate for public health concerns, based upon the results of recent studies of public and occupational epidemiology? What alternative actions are appropriate for occupational health concerns?

c. What actions do you advocate now for the Commission and for the electric utilities, consistent with your advocated strategy: Specifically, what should the utilities do with respect to each of the listed possible actions? Explain your recommendations in detail.

d. How does the risk from EMF compare to other comparable health risks that exist in California? Would money or resources allocated to mitigate other comparable health or public safety risks create substantially more public health benefits than similar allocations used to reduce exposures to electric and magnetic fields?

3. Question Specific to the Telecommunications Industry: What would be the most efficient and cost effective way to study any health effects from fields created by cellular radiotelephone operations?

O R D E R

IT IS ORDERED that:

1. An investigation on the Commission's own motion is instituted into the potential health effects, if any, of electric and magnetic fields created by electric utility power systems and into potential health effects, if any, created by electric and magnetic fields at frequencies associated with telecommunications service. The Commission intends to protect the health and well being of Californians, preserve the provision of reliable electric and telecommunications service at just and reasonable rates, and pursue other goals specified in this order.

Consistent with these goals, the Commission, as a result of the record developed in this investigation, may change its existing rules, regulations, and policies regarding the operation, design, construction, or siting of electric utility power facilities (including those facilities located near those of telephone utilities, insofar as they subject telephone utility employees to high levels of exposure to electric or magnetic fields), or cellular radiotelephone facilities to mitigate potential health effects. This investigation will examine the responsibility of the utilities to provide information to customers, including the provision of field or frequency measurements. Also, this investigation will consider whether

additional research should be undertaken or funded by California investor-owned utilities.

2. Pacific Gas and Electric Company, Southern California Edison Company, San Diego Gas & Electric Company, Pacific Power and Light, Sierra Pacific, Pacific Bell and General Telephone are made respondents to this proceeding. Electric utilities in California not regulated by the CPUC are included on the notice list for these proceedings.

3. Respondents and interested parties may file formal comments in accordance with Rule 14 of the Commission's Rules of Practice and Procedure including answers to the questions listed in this order within 60 days of the date of this order. Any party filing comments shall file the original and 12 copies with the Commission's Docket Office. At the same time it files its comments, a party who wishes to receive copies of all comments filed shall file a separate letter with the Commission's Process Office requesting such receipt. Within 7 days of the filing date, the Process Office shall compile and send to all parties who filed comments a list of those parties who have indicated that they wish to receive copies of all comments filed. Within 7 days of the date the Process Office has mailed its list, all parties shall serve copies of their comments on the parties listed.

4. Respondents and interested parties shall file reply comments within 30 days of the last date set forth in paragraph 3 above. Any party filing reply comments shall file the original and 12 copies with the Commission's Docket Office, as well as one copy to all parties on the list previously compiled by the Process Office.

5. After the reply comments are filed, the assigned Administrative Law Judge shall schedule a prehearing conference to determine the future course of the investigation.

6. The service lists in I.89-07-004, I.84-04-077, and I.85-11-008 are consolidated in Attachment 1 to this order, which shall be supplemented by the service list in the NRF proceeding (I.87-11-033 and related matters), the list of all regulated

electric power utilities, the list of all regulated telephone utilities, and the list of cellular radiotelephone primary service providers. The service list shall also include the Division of Ratepayer Advocates, TURN and other citizen and environmental advocacy groups, the California Department of Health Services, to the attention of Dr. Raymond Neutra; and the National Association of Regulatory Utilities Commissioners (NARUC). This consolidated list is to be used for this proceeding unless and until a new service list is established.

7. The Executive Director shall serve a copy of this order upon all parties listed in Attachment 1.

This order is effective today.

Dated January 15, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
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I CERTIFY THAT THIS DECISION WAS APPROVED BY THE ABOVE COMMISSIONERS TODAY

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