
CPUC GO 131- D PROCESS

**CPUC AND DFG COORDINATION
MEETING**

NOV. 29, 2010 – 10:30 AM - 2:30 PM

Some Projects require formal applications & approvals. CPUC acts as Lead agency & conducts MND or EIR

- Permit to Construct (PTC) 50-200 KV line facilities and/or substations 50 to 500 kV – Application and Proponent's Environmental Assessment (PEA)
- Certificate of Public Convenience and Necessity (CPCN)- 200 kV & up transmission line facilities – Application & PEA

Projects that require no CPUC formal filing or Notice of Construction (NOC) /Advice Letter (AL) Filing

- Lines under 50 kV or substations with high side voltage under 50 kV or substation modification projects which increase the voltage of an existing substation to the voltage for which previously rated within the existing boundaries do not require CPCN or PTC nor discretionary permits or approvals by local governments, but must obtain nondiscretionary local permits.
- Construction of projects that are statutorily or categorically exempt per CEQA. Presently utility determines whether exempt. If exempt, utility files AL. SCE & SGD&E only file on (f) & (g), but PG&E on all listed exemptions.

Other Projects do not require CPUC formal filing or CEQA review but require NOC/AL Process

- 131-D lists activities exempt from discretionary permitting-activities that the CPUC decided not to actively regulate. While these projects do not require formal filings, they must comply with NOC process requiring notice and an opportunity to protest the project under 131-D, Section XI.B.
 - To qualify for exemptions and the NOC process the project must fit an exemption and not fall within an exception to the exemptions.
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131-D Exemptions Include

- a. Power line facilities or substations with an in-service date occurring before Jan. 1, 1996 which have been reported to the CPUC in accordance with the CPUC's decision adopting 131-D.
 - b. The replacement of existing power line facilities or supporting structures with equivalent facilities or structures.
 - c. The minor relocation of existing power line facilities up to 2,000 feet in length or the intersetting of additional support structures between existing support structures.
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131-D Exemptions Include (continued)

- d. The conversion of existing overhead lines to underground.
 - e. The placing of new or additional conductors, insulators, or their accessories on supporting structures already built.
 - f. Power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document finds no significant unavoidable environmental impacts caused by the proposed line or substation.
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131-D Exemptions Include (Continued)

- g. Power lines or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final ND or EIR finds no significant unavoidable environmental impacts.
- h. The construction of projects that are statutorily or categorically exempt pursuant to Sec. 15260 of the Guidelines adopted to implement CEQA.

131-D Exceptions to Exemptions

- a. There is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
- b. The cumulative impact of successive projects of the same type in the same place over time, is significant; or
- c. There is a reasonable possibility that the activity will have a significant effect on the environmental due to unusual circumstances.

No Protest to Notice

- If there is no protest to the notice the NOC/AL becomes effective 30 days and construction can begin 45 days after first publication.

Protest filed on Notice of Exemption

- Per 131-D Construction can not commence until the Executive Director has issued an Executive Resolution which must be issued within 30 days after the utility has submitted its response to the protest.
 - However, per GO-96-B (Advice Letter Process), if protested the AL is automatically suspended for 120 days; OR if no protest staff can suspend an AL for 120 days and then prepare an Executive Resolution.
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Protest filed on Notice of Exemption (continued)

- A protest may be sustained (a) where the protest establishes that the utility has incorrectly applied an exemption or (b) that one of three special conditions listed in 131-D Sec.III.B.2 exist such that the proposed project could result in significant environmental impacts which renders the claimed exemption inapplicable.
- When the Executive Director issues a resolution resolving a protest, 131-D specifies two possible outcomes (a) the utility must file an application for a PTC, or (b) the protest is dismissed for failure to state a valid reason.

CLARIFICATION QUESTIONS?

COORDINATION IMPROVEMENTS FOR CPUC & DFG FOR EIR/MND

- CPUC and/or utility coordinate with DFG on prefiled administrative draft PEA.
- Filed PEA-CPUC/consultants do early agency consultation with DFG.
- Administrative draft review EIR/MND-CPUC works with DFG on analysis & mitigation measures.
- CPUC responds to DFG comments on Draft EIR or MND.

FOR 131-D EXEMPTION PROCESS

- DFG requests and is placed on AL 96-B Distribution lists to receive 131-D AL filings at CPUC.
- DFG sends to CEQA Team the DFG CEQA Coordinator List for CPUC to contact DFG on AL or environmental documents.