From: Kraska, David (Law
Sent: 10/3/2012 11:32:52 AM
To: 'molly.sterkel@cpuc.ca.gov' (molly.sterkel@cpuc.ca.gov)
Cc: Redacted
Redacted); Allen, Meredith (/O=PG&E/OU=Corporate/cn=Recipients/cn=MEAe)
Bcc:
Subject: Fw: GO 131-D status of NERC Alert interset structures projects

From: David Kraska Redacted
Sent: Wednesday, October 03, 2012 11:30 AM
To: Kraska, David (Law)
Subject: GO 131-D status of NERC Alert interset structures projects

Dear Molly,

Per your request to Meredith Allen, I am writing to provide you with a brief analysis of the reasons we believe the intersetting of individual structures as part of our work to address NERC/GO 95 clearance requirements is exempt from General Order 131-D permit and notice requirements.

Background

When an existing transmission conductor must be raised to maintain compliance with GO 95 standards, one option is to interset a new structure within the existing span to prevent the wire from sagging too close to the ground at mid-span. This is the preferred alternative where the existing structures at either end of the existing span cannot easily be increased in height due to engineering or environmental concerns.

As part of our ongoing assessment of our existing 230 and 500 kV transmission lines, PG&E has currently identified the need to install a single interset structure at seven separate locations on four existing 230 or 500 kV lines. All seven of these interset structures would be in line with the existing transmission line spans and entirely within existing easements. The conductor will not be replaced, and we have confirmed that these new structures will not create significant biological, cultural or visual impacts. I have attached maps showing the location and setting of each structure so that you are aware of where the work will take place. In sum, the work in question is extremely limited in scope and will prevent PG&E from having to implement more impactful alternatives in order to maintain compliance with GO 95 standards.

Analysis

The Commission can properly conclude that addition of these few interset structures within existing easements does not require either a permit or notice for several independent reasons.

First, we believe that intersetting a single tower on an existing transmission line is not construction of "major electric transmission line facilities" that is covered under Section III.A of GO 131-D (i.e., the CPCN requirement). Section III.A requires a CPCN for construction "of major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more," with four listed exemptions. Thus, under Section III.A, a CPCN is not required if (a) the project does not involved construction of "major" transmission line facilities or (b) the project fits within a specified exemption. According to recent CPUC precedent, an entirely new 500 kV looped line over 3,000 feet in length and connecting into a new electric substation is not the construction of "major" transmission line facilities "in view of the relatively short length of the new transmission line segments and in the context of the overall project." (Assigned Commissioner's Scoping Memo and Ruling, East County Substation Project, dated March 15, 2011, at 4.) In another recent project, two sets of new parallel 500 kV transmission lines 2,500 to 3,500 feet in length were not considered "major" facilities that required a CPCN. (Assigned Commissioner's Scoping Memo and Ruling, Red Bluff Substation Project, dated February 25, 2011, at 6.) Installing one or two interset towers on an existing transmission line, in the absence of significant environmental impacts due to location, is far less construction than the interconnection projects that the CPUC recently found not to be "major" transmission line construction.

Second, even if this work were covered under Section III.A (which it is not based on the authorities discussed above), we believe it would be exempt from the CPCN requirement. Section III.A provides exemptions from the CPCN requirement for construction involving "the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing power line facilities, the conversion of existing overhead lines to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built." (GO 131-D, § III.A.) Intersetting a structure solely to raise conductor height constitutes a "minor relocation of existing power line facilities" because the purpose and effect of the project is to relocate the conductor to a higher elevation.

Finally, we further believe that intersetting isolated structures, where we have confirmed that there is no reasonable possibility of a significant impact, is categorically exempt from CEQA as a minor alteration of existing facilities (i.e., the transmission line) under CEQA Guidelines, Section 15301. That section exempts the maintenance or minor alteration of existing facilities involving negligible or no expansion of an existing use, and specifically includes public utility facilities. As stated above, PG&E is not increasing the voltage or capacity of these existing facilities in any way, nor otherwise changing their existing use.

Conclusion

As you may know, there is some urgency to install these interset structures before winter if possible so that the associated line-to-ground clearances can be increased before next summer, when temperatures and loading on the circuits typically results in the lowest conductor sag. Given the extremely limited scope of these projects, and their lack of environmental impact, it would seem counterproductive (and inconsistent with the intent of GO 131-D) to require CPCN proceedings for single-structure, safety-driven projects.

Please let us know if you have any questions or concerns about our proposed approach, or if you would like to meet to discuss further.

Thanks,

David