

July 3, 2012

BY HAND DELIVERY

Edward Randolph
Energy Division Director
California Public Utilities Commission
505 Van Ness Avenue, Fourth Floor
San Francisco, CA 94102

Re: Contra Costa- Moraga No. 1 and No. 2, 230kV Transmission Line
Advice Letter 4058-E
Protests from the City of Antioch and the Division of Ratepayer Advocates

Dear Mr. Randolph:

I. INTRODUCTION

I am writing regarding the protests to Pacific Gas and Electric's ("PG&E's") Advice Letter 4058-E submitted by Tina Wehrmeister, Community Development Director, on behalf of the City of Antioch ("protestant" or "City"), dated June 26, 2012 and received on June 27, 2012, and by the Division of Ratepayer Advocates ("protestant" or "DRA") dated June 28, 2012 and received June 28, 2012. (Copies of the protests are attached as Exhibit A and Exhibit B, respectively.)

PG&E filed Advice Letter 4058-E with the California Public Utilities Commission ("CPUC" or "Commission") on June 8, 2012, regarding the need to raise the height of 20 lattice steel towers (final engineering has reduced that number to 14 towers) along the Contra Costa-Moraga 230 kilovolt (kV) Transmission Line in Contra Costa County to comply with CPUC General Order 95 and to accommodate new Federal Energy Regulatory Commission ("FERC") ground-to-conductor clearance requirements (the "Project"). (A copy of the Advice Letter is attached as Exhibit C.) In accordance with the Commission's General Order 131-D ("GO 131-D"), Section III, Subsection A, the Project is exempt from permitting requirements as a "replacement of existing power line facilities or supporting structures with equivalent facilities or structures." (GO 131-D, § III.A.)

The City's protest alleges that PG&E has violated the terms of existing easements by installing third-party telecommunication facilities on existing structures and that the Project

should not be exempt from GO 131-D requirements based on potential future impacts associated with cellular facilities that may cause ground disturbing activities. (See Exhibit A, at 1.) Protestant's concerns related to land rights are not relevant to the CPUC permitting process and, as discussed below, are based on a misunderstanding of Project facts. The remaining assertion -- that the Project may somehow lead to the construction of cellular facilities that may have environmental impacts -- involves hypothetical future construction that is not related to the proposed Project. The City fails to provide any evidence to suggest that the Project as proposed will cause any significant environmental impacts in violation of Section III.B.2 of GO 131-D.

PG&E met with officials from the City of Antioch on July 2, 2012 to attempt to resolve their concerns. After meeting with the City and clarifying that the Project would not in any way involve the addition of cellular facilities on PG&E towers within City limits, City staff have indicated that they may be willing to withdraw the protest once they have reviewed follow up documentation. PG&E will continue to work with the City to provide all requested documentation; however, it is not clear at this time whether the City will withdraw the protest in time to meet the construction schedule. Accordingly, PG&E requests a prompt resolution from the CPUC allowing it to proceed with the Project.

DRA's protest asserts that PG&E must file an application for a Certificate of Public Convenience and Necessity ("CPCN") because modifying the towers constitutes "major modifications to the existing transmission line" requiring tower engineering that somehow triggers a CPCN under Section III.A of GO 131-D, and because a Federal Aviation Administration ("FAA") evaluation may be necessary. (See Exhibit B, at 1-2.) For the reasons set forth below, DRA is incorrect on both counts.

PG&E will continue to work with the City and DRA to resolve all factual concerns that have been raised. However, as discussed further below, the issues raised by the protests have no merit: the project qualifies for the GO 131-D exemption cited in the Notice; PG&E's project does not involve the placement of cellular facilities or potential FAA violations that could result in unconsidered environmental impacts in violation of GO 131-D Section III.B.2; lands rights claims must be raised in a different forum; and the project is not construction of "major electric transmission line facilities" under Section III.A of GO 131-D. In short, the protests fail to establish any issue that may properly be raised in a protest under GO 131-D.

CPUC Executive Director resolutions have repeatedly found that there are only two circumstances in which a protest to a claim of exemption under GO 131-D may be sustained: (1) where the protest establishes that the utility has incorrectly applied an exemption or (2) when one of three special conditions listed in GO 131-D Section III.B.2 exist such that the proposed project could result in significant environmental impacts, thereby rendering the claimed exemption inapplicable. (See, e.g., Res. E-3460 (July 1, 1996); Res. E-3789 (October 30, 2002);

Res. E-4243 (November 20, 2009); Res. E-4360 (August 13, 2010).) Protestants fail to raise a meritable claim that either of these circumstances exists.

Protestants do not request evidentiary hearings, and none are justified by the concerns raised. As such, PG&E requests that the Executive Director of the Commission promptly issue an Executive Resolution finding that the protests be dismissed for “failure to state a valid reason” under Section XIII of GO 131-D. (*See id.*) Under GO 131-D, the Executive Director’s decision must be issued no later than July 26, 2012. (GO 131-D, § XIII.)

II. BACKGROUND

To comply with CPUC General Order 95 and to accommodate new FERC ground-to-conductor clearance requirements, which are regulated by the North American Electric Reliability Corporation (“NERC”), PG&E filed a Notice of Construction to raise the height of up to 20 lattice steel towers along the Contra Costa-Moraga 230 kV Transmission Line in Contra Costa County. (*See Exhibit C*, at 1.) Since the filing of Advice Letter 4058-E on June 8, 2012, PG&E has completed additional engineering studies that indicate only 14 tower raises will be necessary along the Contra Costa-Moraga 230 kV Transmission Line to comply with NERC requirements. The transmission line begins in the City of Antioch, west of the intersection of State Highway 160 and Wilbur Avenue, and traverses southwesterly through Antioch, unincorporated portions of Contra Costa County, the cities of Clayton, Concord, Walnut Creek, Alamo, Lafayette, Moraga, and Orinda near the intersection of Valley View Drive and Don Gabriel Way. Of the 14 towers to be raised, four of those are located within easements on land owned by the City of Antioch.¹ PG&E will replace waist or top-cage extensions on the existing 89 to 117-foot-tall towers, increasing their height by approximately 11 to 16.5 feet.

Construction activities are scheduled to begin in August 2012, or as soon thereafter as possible, with completion in October 2012 or as soon possible thereafter.

III. ARGUMENT

A. PG&E’s Project is Exempt from CPCN Permitting Requirements Under GO 131-D.

Section III.A of GO 131-D requires utilities to obtain a CPCN for construction of “major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more.” Section III.A provides exceptions to the CPCN requirement for construction involving “the replacement of existing power line facilities or supporting structures with

¹ The City’s protest references three towers within easements on land owned by the City of Antioch; however, PG&E staff has confirmed that actually four of the 14 towers are located on land owned by the City. To provide a comprehensive response, PG&E has included all four towers in this analysis.

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). Thus, construction of electrical facilities that are not “major” transmission line facilities over 200 kV or that fall within the exceptions do not require a CPCN.

The Project involves tower modifications to 14 out of approximately 126 towers along the 27-mile Contra Costa-Moraga 230 kV Transmission Line to meet necessary safety clearance requirements. The existing towers range in height from 89 to 117 feet. On each tower being modified, one section is being removed and a taller section (tower extension) is being installed to bring the existing conductors into a safer position farther from the ground. The conductors will not be replaced and the Project will not increase the voltage or capacity of the transmission line. This is, in sum, minor maintenance work that – if the California Environmental Quality Act² (“CEQA”) applied – would be considered categorically exempt under Section 15301 or 15302 of the CEQA Guidelines.³ In keeping with PG&E’s conservative practice of voluntarily noticing projects when GO 131-D might not technically require it, PG&E has provided notice of this project to provide the Commission and the public with information about work on structures in or near urban areas. The proposed construction is a clear replacement of existing power line facilities with equivalent facilities and does not constitute the construction of major electric transmission line facilities. As such, the exemption has been correctly applied to this Project and a CPCN is not required.

GO 131-D Section III.B does list several conditions that, if present, would prevent PG&E from claiming an exemption to CPUC permitting requirements:

- a. there is reasonable possibility that the activity may have 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;
- b. the cumulative impact of successive projects of the same type in the same place, or over time, is significant; or
- c. there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(GO 131-D, § III.B.2.) While these exceptions expressly apply only to Section III.B exemptions, PG&E routinely confirms that none of the exceptions apply to Section III.A exemptions as well. In accordance with that practice, PG&E has done so here. The only claims remotely close to asserting a reasonable possibility of a significant environmental impact – the City’s claim that

² Pub. Resources Code, §§ 21000 et seq.

³ Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., Tit. 14, §§ 15000.

future cellular facilities may somehow create impacts that should be studied now and DRA's claim that FAA requirements might apply – are based on facts that do not apply to this Project.

In short, the City and DRA have not provided any evidence that the Project will create one of the special conditions described above, and none exists. As referenced above, the Commission found in Resolution E-3789 (October 30, 2002) that there are “*only* two valid reasons for sustaining a protest” (Res. E-3789 at 5 (emphasis added)), and protestants have failed to sustain their burden on either of them. Accordingly, there is no basis upon which the Commission can sustain either protest.

B. The City of Antioch's Concerns About Third-Party Cellular Facilities Are Misplaced.

1. The Project Does Not Include Cellular Communication Facilities.

Protestant asserts that the Project will somehow enhance opportunities for leases with cellular companies that could lead to the ‘unauthorized construction of ground equipment and shelters.’ (See Exhibit A, at 1). The Project is in no way related to the placement of cellular communications on PG&E structures. The purpose of the proposed tower raises is to comply with strict General Order 95 clearance requirements and federal guidelines relating to ground-to-conductor clearance requirements for safety purposes. The four towers located on City property do not currently host any cellular facilities and PG&E does not have any plans to add cellular facilities to these towers in the future.

2. Land Rights Issues Are Outside the Scope of the CPUC's Advice Letter Process.

Protestant asserts that PG&E has entered into leases with cellular companies to use the existing towers in violation of existing easements and without the consent of the City. (See Exhibit A, at 1). As explained further below, this a misstatement of the facts. More importantly, even if easement violations had occurred, that would not be a relevant issue for analysis in this CPUC advice letter process. Any challenge to PG&E's existing easement rights must be brought in the proper forum. The Commission does not have jurisdiction over land rights issues. (See, e.g., D.04-08-046 at 85; 2004 Cal. PUC LEXIS 391, 176 (Commission “not in a position” to assess right-of-way expansion on National Park Service land); *Koponen v. Pacific Gas and Electric Co.* (2008) 165 Cal.App.4th 345, 353 (Commission lacks authority in disputes over property rights).)

While not relevant to this advice letter challenge, PG&E offers the following clarifications on the land rights claims. First, PG&E does not have leases for third-party cellular facilities with respect to the four towers located on City of Antioch property at issue in Advice

Letter 4058-E. Second, PG&E has a well-developed protocol for ensuring that any work with third-party telecommunication companies is consistent with all existing property rights before entering into any agreements with third-party telecommunication companies. Under Public Utilities Codes Section 851, moreover, PG&E must obtain prior CPUC approval before allowing third parties to place their commercial facilities on PG&E's towers; the easement or lease documents are submitted to the CPUC for review as part of this process. All existing communication facilities on PG&E towers have either modified easements or leases from the land owners, including the City, to allow for the installation of the communication carrier's equipment.

Finally, third-party telecommunications companies would need to obtain any applicable local zoning and land use approvals before placing telecommunication facilities on PG&E structures. Any local discretionary approvals required for a third party to install cellular facilities, including ground equipment or shelters for those facilities, would need to comply with CEQA, which requires review of any potentially significant environmental impacts. Again, however, this type of construction is not part of the Project at issue in Advice Letter 4058-E.

3. PG&E Has Met With City Officials to Clarify the Facts and Will Continue To Provide Follow Up Documentation.

As described above, in an effort to resolve the City's issues in the appropriate forum, PG&E has met with City officials on July 2, 2012 to clarify the purpose and details of the Project. PG&E has explained that the Project will not involve the placement of cellular facilities in violation of GO 131-D or existing land rights. City staff indicated at the meeting that they might be willing to withdraw their protest once they receive additional land rights documentation, which PG&E provided to the City shortly after the meeting.

PG&E is committed to addressing the City's remaining concerns going forward and will continue to work with the City on these issues. However, given the current uncertainty regarding the City's willingness to withdraw the protest, PG&E seeks a resolution from the Commission allowing this project to go forward as soon as possible. As established above, PG&E's project qualifies for a clear exemption from GO 131-D's permitting requirements, and the City's protest does not raise any applicable exceptions to the exemptions. As these are the only two valid reasons for granting a protest, protestant's challenge must be denied so that PG&E's safety-driven project may proceed.

C. DRA Has Failed To – And Cannot – Establish That A CPCN and FAA Approvals Are Required For This Project.

1. This Project Does Not Involve The Construction Of Major Electric Transmission Line Facilities.

As stated above in Part A, a CPCN is required only for the construction of major electric transmission line facilities over 200 kV, and even then, only if the construction does not fall within one of the specified exemptions. (GO 131-D, § III.A.) Notwithstanding DRA's contrary assertions, this Project does not come close to being "major" transmission line construction. Recent Commission precedent has clarified that 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; *see also* Assigned Commissioner's Scoping Memo and Ruling, Red Bluff Substation Project, dated February 25, 2011, at 6 (finding that two *sets* of new parallel 500 kV transmission lines 2,500 to 3,500 feet in length were not "major" facilities that required a CPCN).)

DRA suggests that PG&E is proposing "major" modifications to its towers (Exhibit B, at 1), apparently hoping that this use of the term "major" will catapult the Project into the category of "major" transmission line construction that would require a CPCN. As proof that the construction is "major," DRA points out that "significant structural analysis" is needed to design the waist or top-cage extensions. While it is true that each tower modification is carefully designed, engineering analysis itself has never been a factor in determining whether there is major construction of the sort that would require a CPCN. On the contrary, the determining factors on the projects mentioned above were the size of the projects (relatively short lines) and the overall context of the improvements (smaller parts of larger projects). In the Project at issue, 14 tower modifications on an existing 27-mile, 230 kV line do not constitute construction of major facilities that would require a CPCN.

Indeed, even if the Project somehow were considered "major" construction for purposes of Section III.A, the replacement of sections of a few transmission towers on a 27-mile transmission line clearly falls within the exemption for replacement of existing facilities with "equivalent" facilities. While the new sections must be taller in order to raise the existing conductors further from the ground, there is no change in the purpose of the structure or in the use of the transmission line itself. Visual studies have indicated that tower raises of this type are not readily noticeable to area viewers; no cultural or biological impacts are anticipated. If CEQA were applicable to this Project, it would likely be categorically exempt under the CEQA Guidelines, Section 15301 (minor alteration of existing structures involving no or negligible expansion of an existing use) or 15302 (replacement of existing facilities on the same site with

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substantially the same purpose and capacity). This work is minor, with little impact, and clearly exempt from CPCN permitting requirements.

2. FAA Requirements Do Not Apply To This Project.

DRA incorrectly asserts that the taller towers “may require evaluation by the FAA in accordance with the requirements of Federal Aviation Regulations (FAR) Title 14, Part 77” due to proximity to a claimed but unnamed airport. (See Exhibit B, at 2.) The requirements for filing notices with the FAA for proposed structures vary based on several factors, including height, proximity to any airport, location, and frequencies emitted from the structure. (See 14 C.F.R. 77.9.) PG&E has confirmed, through use of the FAA’s “Notice Criteria Tool” that allows entry of exact structure coordinates and heights to determine FAA requirements, that none of the tower raises that are part of this Project require a filing with the FAA. Nothing further is required under the FAA regulations.

IV. CONCLUSION

Protestants City of Antioch and DRA fail to provide a valid reason why PG&E should be required to file a CPCN application for the modification of 14 existing structures on the Contra Costa-Moraga 230 kV Transmission Line. For the reasons stated above, PG&E respectfully requests that the Executive Director issue an Executive Resolution dismissing the protests pursuant to Section XIII of GO 131-D.

Very truly yours,

David T. Kraska

DTK/dl

Enclosures

cc: Tina Wehrmeister, Community Development Director, City of Antioch
Cynthia Walker, Program Manager, EP &P Branch, Division of Ratepayer Advocates
Brian K. Cherry, PG&E Vice President of Regulation and Rates

Exhibit A



June 26, 2012

CPUC Energy Division
Tariff Files, Room 4005
DMS Branch
505 Van Ness Avenue
San Francisco, CA 94102

Re: Protest of Advice 4058-E

To Whom It May Concern:

The City of Antioch (City) hereby protests Pacific Gas and Electric Company's (PG&E) Advice letter 4058-E, dated June 8, 2012. PG&E is requesting approval to proceed with a project that will increase the height of several existing transmission towers in Contra Costa County by approximately 11 to 16.5 feet. Based on information subsequently provided to the City from PG&E, seven impacted towers are located in Antioch (a reduction from the eight described in Advice 4058-E). Three of these towers are located within easements on land owned by the City of Antioch.

PG&E maintains towers on many City owned parcels within easements expressly limited to maintaining and constructing gas and electricity transmission facilities. Despite the limitations of these easements, we know that PG&E has previously entered into leases with cellular companies which require construction of ground equipment and access onto property without the knowledge or consent of the fee owner, the City. The City is concerned that the proposed project will increase the opportunity for lease arrangements between PG&E and cellular companies that do not address the City's requirements as the fee owner to the property.

Unauthorized construction of ground equipment and shelters is a violation of California PUC General Order 131-D, Section III.B.2. as there is a possibility of impacts on environmental resources both individually and cumulatively.

The City asks that Advice 4058-E not be approved until PG&E has addressed these concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tina Wehrmeister".

Tina Wehrmeister
Community Development Director

Community Development Department

P.O. Box 5007 • 200 H Street • Antioch, CA 94531-5007 • Tel: 925-779-7035 • Fax: 925-779-7034 • www.ci.antioch.ca.us

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Re: Protest of Advice 4058-E

cc: Jim Jakel, City Manager
Lynn Tracy Nerland, City Attorney
Ron Bernal, Public Works Director

CPUC Energy Division
Director, Room 4004
505 Van Ness Avenue
San Francisco, CA 94102

David T. Kraska
Attorney, Law Department
Pacific Gas and Electric Co.
P.O. Box 7442
San Francisco, CA 94120

Brian K. Cherry
V.P., Regulation and Rates
Pacific Gas and Electric Co.
P.O. Box 770000, Mail Code B10C
San Francisco, CA 94177

Exhibit B



DRA

*Division of Ratepayer Advocates
California Public Utilities Commission*

JOSEPH P. COMO
Acting Director

505 Van Ness Avenue
San Francisco, California 94102
Tel: 415-703-2381
Fax: (415) 703-2057

<http://dra.ca.gov>

June 28, 2012

CPUC Energy Division
Tariff Files, Room 4005
DMS Branch
505 Van Ness Avenue
San Francisco, California 94102
EDTariffUnit@cpuc.caz.gov

Subject: DRA Protest, PG&E Advice Letter 4058-E, Notice of Construction, Contra Costa-Moraga No. 1 and No. 2, 230 kV Transmission Line, Towers Modifications

INTRODUCTION

The Division of Ratepayer Advocates (DRA) hereby protests PG&E's Advice Letter 4058-E submitted on June 18, 2012 for authority to extend 20 pole heights by 11 feet to 17 feet higher than the existing poles on a 230 kV transmission line in Moraga. PG&E submitted this Advice Letter under exception to the California Public Utilities Commission's (CPUC's) General Order 131-D, III.A. PG&E claims that the project will replace an existing power line supporting structures with equivalent structures. PG&E therefore requests exemption from filing a certificate of public convenience and necessity (CPCN) for this project based on the premise that CPUC General Order 131-D, Section III, Subsection A exempts projects meeting specific conditions from filing a CPCN application to construct. PG&E asserts that this project qualifies for this exemption because the proposed structures are equivalent to the existing structures. DRA disagrees.

SUMMARY OF DRA RECOMMENDATIONS

DRA recommends that: 1) PG&E's request be denied by rejecting AL 4058-E, and 2) PG&E be required to file a CPCN application for this project.

BASIS OF DRA'S RECOMMENDATIONS

PG&E proposes to perform major modifications on twenty transmission towers by designing and inserting either waist or top-cap extensions to the existing towers. Each tower design will have to be structurally analyzed to assure that the modified towers meet the structural requirements necessary to support the conductors. PG&E's assertion that the modified towers are equivalent to the existing towers is incorrect. Specifically, DRA believes PG&E's proposed project requires a CPCN application because:

1. The system operating voltage of 230kV exceeds the 200kV threshold which requires a CPCN application pursuant to G.O. 131-D. Additionally, the proposed project requires major modifications to the existing transmission line. Consistent with G.O. 131-D Section III.A, this project requires a CPCN application, not an advice letter.
2. PG&E is proposing to increase the tower heights by 11 to 17 feet. As a result, the design of the waist or top-cage extensions will require significant structural analysis to verify tower adequacy to support the conductors.
3. The taller towers may require evaluation by Federal Aviation Administration in accordance with the requirements of Federal Aviation Regulations (FAR) Title 14, Part 77. The project is near an airport; therefore, the project requires FAA evaluation.

CONCLUSION

PG&E's Moraga transmission line project does not qualify for exemption under G.O. 131-D, Section III. Subsection A. DRA recommends that the Commission deny this advice letter. At 230kV, the line voltage for this project is above the 200 kV threshold requiring a CPCN. Therefore, the Commission should require PG&E to file a CPCN application for this project.

Please contact Hank Pielage at 415-703-1147 or at hhp@cpuc.ca.gov with any questions about this protest.

/s/ Cynthia Walker

Cynthia Walker
Program Manager
EP & P Branch
Division of Ratepayer Advocates
California Public Utilities Commission

cc: Director
Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Davis T. Kraska
Attorney, Law Department
Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, California 94120

Brian K. Cherry
Vice President, Regulation and Rates
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code B10C
San Francisco, California 94177

Exhibit C

June 8, 2012

Advice 4058-E
(Pacific Gas and Electric Company ID U39 E)

Public Utilities Commission of the State of California

Subject: Submits Notice of Construction, Pursuant to General Order 131-D, for the Construction of the Contra Costa-Moraga No. 1 and No. 2, 230kV Transmission Line – Cities of Antioch, Clayton, Concord, Orinda, Walnut Creek, and the County of Contra Costa

Pacific Gas and Electric Company (“PG &E” or “the Company”) hereby submits notice pursuant to General Order (G.O.) 131-D, Section XI, Subsection B.4, of the construction of facilities that are exempt from a Certificate of Public Convenience and Necessity.

Purpose

This advice letter provides a copy of the Notice of Proposed Construction (Attachment I) and the Notice Distribution List, which comply with the noticing requirements found in G.O. 131-D, Section XI.

Background

To comply with CPUC General Order 95 and accommodate new Federal Energy Regulatory Commission (FERC) ground-to-conductor clearance requirements, which are regulated by the North American Electric Reliability Corporation (NERC), Pacific Gas and Electric Company (PG&E) plans to raise the height of 20 lattice steel towers along the Contra Costa-Moraga 230 kilovolt (kV) Transmission Line in Contra Costa County. The transmission line begins in the City of Antioch, west of the intersection of State Highway 160 and Wilbur Avenue, and traverses southwesterly through Antioch, unincorporated portions of Contra Costa County, the cities of Clayton, Concord, Walnut Creek, Alamo, Lafayette, Moraga, and Orinda near the intersection of Valley View Drive and Don Gabriel Way. All 20 towers are located in PG&E’s existing easement within the cities of Antioch (8 towers), Clayton (1 tower), Concord (3 towers), Orinda (1 tower), Walnut Creek (2 towers); and unincorporated Contra Costa County (5 towers). PG&E will replace wa

117-foot-tall towers (replacement of existing facilities), increasing their height by approximately 11 to 16.5 feet. Construction activities are scheduled to begin in August 2012, or as soon thereafter as possible, with completion in October 2012 or as soon thereafter as possible.

CPUC General Order 131-D, Section III, Subsection A, exempts projects meeting specific conditions from the CPUC's requirement to file an application requesting authority to construct. The Company believes this project qualifies for the following exemption:

- b. The replacement of existing power line facilities or supporting structures with equivalent facilities or structures.

This filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other rate schedule or rule.

Protests

Anyone wishing to protest this filing may do so by filing a protest with the CPUC and the Company by **June 28, 2012**, which is 20 days after the date of this filing. Protests should be mailed to the following address:

CPUC Energy Division
Tariff Files, Room 4005
DMS Branch
505 Van Ness Avenue
San Francisco, California 94102

Facsimile: (415) 703-2200
E-Mail: EDTariffUnit@cpuc.ca.gov

Copies of protests also should be mailed to the attention of the Director, Energy Division, Room 4004, at the address shown above.

The protest also should be sent via U.S. mail (and by facsimile and electronically, if possible) to PG&E at the address shown below on the same date it is mailed or delivered to the Commission:

David T. Kraska
Attorney, Law Department
Pacific Gas and Electric Company
P.O. Box 7442
San Francisco, California 94120

Facsimile: (415) 973-0516

Brian K. Cherry
Vice President, Regulation and Rates
Pacific Gas and Electric Company
P.O. Box 770000, Mail Code B10C
San Francisco, California 94177

Facsimile: (415) 973-6520
E-Mail: PGETariffs@pge.com

Persons or groups may protest the proposed construction if they believe that the Company has incorrectly applied for an exemption or that the conditions set out in Section III.B.2 of G.O. 131-D exist.

Effective Date

The Company requests that this advice filing become effective on **July 8, 2012**, which is 30 days after the date of filing. (In accordance with G.O. 131-D, construction will not begin until 45 days after notice is first published.)

Notice

A copy of this advice letter is being sent electronically and via U.S. Mail to parties shown on the attached list, including the parties listed in G.O. 131-D, Section XI, Paragraphs B.1 and B.2. These parties are identified in the "Notice Distribution List" included in Attachment I. All electronic approvals should be sent to e-mail PGETariffs@pge.com. Advice letter filings can also be accessed electronically at <http://www.pge.com/tariffs/>.



Vice President - Regulation and Rates

cc: Parties Listed in G.O. 131-D, Paragraphs B.1 and B.2

Attachments

ADVICE LETTER FILING SUMMARY
ENERGY UTILITY

Company name/CPUC Utility No. **Pacific Gas and Electric Company (ID U39 E)**

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person: Shirley Wong

Phone #: 415-972-5505

E-mail: slwb@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas
PLC = Pipeline HEAT = Heat WATER = Water

(Date Filed/ Received Stamp by CPUC)

Advice Letter (AL) #: **4058-E**

Tier: n/a

Subject of AL: Submits Notice of Construction, Pursuant to General Order 131-D, for the Construction of the Contra Costa-Moraga No. 1 and No. 2, 230kV Transmission Line - Cities of Antioch, Clayton, Concord, Orinda, Walnut Creek, and the County of Contra Costa

Keywords (choose from CPUC listing): Power Lines

AL filing type: Monthly Quarterly Annual One-Time Other _____

If AL filed in compliance with a Commission order, indicate relevant Decision/Resolution #: Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: n/a

Is AL requesting confidential treatment? If so, what information is the utility seeking confidential treatment for: No

Confidential information will be made available to those who have executed a nondisclosure agreement: N/A

Name(s) and contact information of the person(s) who will provide the nondisclosure agreement and access to the confidential information: n/a

Resolution Required? Yes No

Requested effective date: **July 8, 2012**

No. of tariff sheets: n/a

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: n/a

Service affected and changes proposed: n/a

Protests, dispositions, and all other correspondence regarding this AL are due no later than 20 days after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division

Tariff Files, Room 4005

DMS Branch

505 Van Ness Ave., San Francisco, CA 94102

EDTariffUnit@cpuc.ca.gov

Pacific Gas and Electric Company

Attn: Brian K. Cherry, Vice President, Regulation and Rates

77 Beale Street, Mail Code B10C

P.O. Box 770000

San Francisco, CA 94177

E-mail: PGETariffs@pge.com

NOTICE OF PROPOSED CONSTRUCTION

PROJECT NAME: Contra Costa-Moraga No. 1 and No. 2, 230kV Transmission Line – Cities of Antioch, Clayton, Concord, Orinda, Walnut Creek, and the County of Contra Costa
ADVICE LETTER NUMBER: 4058-E

Proposed Project: To comply with CPUC General Order 95 and accommodate new Federal Energy Regulatory Commission (FERC) ground-to-conductor clearance requirements, which are regulated by the North American Electric Reliability Corporation (NERC), Pacific Gas and Electric Company (PG&E) plans to raise the height of 20 lattice steel towers along the Contra Costa-Moraga 230 kilo volt (kV) Transmission Line in Contra Costa County. The transmission line begins in the City of Antioch, west of the intersection of State Highway 160 and Wilbur Avenue, and traverses southwesterly through Antioch, unincorporated portions of Contra Costa County, the cities of Clayton, Concord, Walnut Creek, Alamo, Lafayette, Moraga, and Orinda near the intersection of Valley View Drive and Don Gabriel Way. All 20 towers are located in PG&E's existing easement within the cities of Antioch (8 towers), Clayton (1 tower), Concord (3 towers), Orinda (1 tower), Walnut Creek (2 towers); and unincorporated Contra Costa County (5 towers). PG&E will replace waist or top-cage extensions on the existing 89 to 117-foot-tall towers (replacement of existing facilities), increasing their height by approximately 11 to 16.5 feet. Construction activities are scheduled to begin in August 2012, or as soon thereafter as possible, with completion in October 2012 or as soon thereafter as possible.

Exemption from CPUC Authority: CPUC General Order 131-D, Section 3.1.1.1, exempts projects meeting specific conditions from the CPUC's requirement to file an application requesting authority to construct. Pacific Gas and Electric Company believes this project qualifies for the following exemption:

∞ the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.

Public Review Process: Persons or groups may protest the proposed construction if they believe that Pacific Gas and Electric Company has incorrectly applied for an exemption or that the conditions set out in Section III.B.2 of General Order 131-D exist;

- a. There is reasonable possibility that the activity may have an 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 environment due to unusual circumstances.

Protests should include the following:

1. Your name, mailing address and daytime telephone number.
2. Reference to the CPUC Advice Letter Number and Project Name.
3. A clear description of the reason for the protest.
4. Whether you believe that evidentiary hearings are necessary to resolve factual disputes.

Protests for this project must be filed by June 28, 2012, at the following address:

Director, Energy Division
 California Public Utilities Commission
 505 Van Ness Avenue, Fourth Floor
 San Francisco, California 94102

With a copy mailed to:

David Kraska, Law Department
 Pacific Gas and Electric Company
 P.O. Box 7442
 San Francisco, California 94120

Pacific Gas and Electric Company must respond within five business days of receipt and serve copies of its response on each protestant and the Energy Division. Within 30 days after Pacific Gas and Electric Company has submitted its response, the Executive Director of the CPUC will send you a copy of an Executive Resolution granting or denying the request and stating the reasons for the decision.

Assistance in Filing a Protest: For assistance in filing a protest, contact the CPUC Public Advisor in San Francisco at (415) 703-2074 or 1-866-849-8390 (toll-free) or TTY (415) 703-5258 or public.advisor@cpuc.ca.gov.

Additional Project Information: To obtain further information on the proposed project, please call Pacific Gas and Electric Company's Project Information Line at (415) 973-5530.

Notice Distribution List

NERC Compliance Project, Contra Costa-Moraga No. 1 and No. 2, 230kV Transmission Line – Cities of Antioch, Clayton, Concord, Orinda, Walnut Creek, and the County of Contra Costa

Advice 4058-E

Energy Commission

Mr. Robert Oglesby, Executive Director
California Energy Commission
1516 Ninth Street, Mail Stop 39
Sacramento, California 95814

Mr. Roger Johnson, Deputy Director
California Energy Commission
1516 Ninth Street, Mail Stop 39
Sacramento, California 95814

City of Antioch

Tina Wehrmeister, Community Development Director
City of Antioch Community Development Department
PO Box 5007
Antioch, CA 94531-5007

City of Clayton

David Woltering, Community Development Director
City of Clayton Community Development Department
6000 Heritage Trail, Clayton, CA 94517

City of Concord

Carol Johnson, Planning Manager
City of Concord Community and Economic Development Department
1950 Parkside Drive
Concord, CA 94519

City of Orinda

Emmanuel Ursu, Planning Director
City of Orinda Planning Department
22 Orinda Way (1st Floor)
Orinda, CA 94563

City of Walnut Creek

Scott Harriman, Assistant Planning Manager
City of Walnut Creek Community Development Department / Planning Division
1666 North Main Street (2nd Floor)
Walnut Creek, CA 94596

County of Contra Costa

Aruna Bhat, Community Development Deputy Director
Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Newspaper

Contra Costa Times
East County Times (edition of the Contra Costa Times)

**PG&E Gas and Electric
Advice Filing List**

AT&T	Department of Water Resources	North Coast SolarResources
Alcantar & Kahl LLP	Dept of General Services	Northern California Power Association
Ameresco	Douglass & Liddell	Occidental Energy Marketing, Inc.
Anderson & Poole	Downey & Brand	OnGrid Solar
BART	Duke Energy	Praxair
Barkovich & Yap, Inc.	Economic Sciences Corporation	R. W. Beck & Associates
Bartle Wells Associates	Ellison Schneider & Harris LLP	RCS, Inc.
Bloomberg	Foster Farms	Recurrent Energy
Bloomberg New Energy Finance	G. A. Krause & Assoc.	SCD Energy Solutions
Boston Properties	GLJ Publications	SCE
Braun Blaising McLaughlin, P.C.	GenOn Energy, Inc.	SMUD
Brookfield Renewable Power	Goodin, MacBride, Squeri, Schlotz & Ritchie	SPURR
CA Bldg Industry Association	Green Power Institute	San Francisco Public Utilities Commission
CLECA Law Office	Hanna & Morton	Seattle City Light
CSC Energy Services	Hitachi	Sempra Utilities
California Cotton Ginners & Growers Assn	In House Energy	Sierra Pacific Power Company
California Energy Commission	International Power Technology	Silicon Valley Power
California League of Food Processors	Intestate Gas Services, Inc.	Silo Energy LLC
California Public Utilities Commission	Lawrence Berkeley National Lab	Southern California Edison Company
Calpine	Los Angeles Dept of Water & Power	Spark Energy, L.P.
Cardinal Cogen	Luce, Forward, Hamilton & Scripps LLP	Sun Light & Power
Casner, Steve	MAC Lighting Consulting	Sunrun Inc.
Center for Biological Diversity	MBMC, Inc.	Sunshine Design
Chris, King	MRW & Associates	Sutherland, Asbill & Brennan
City of Palo Alto	Manatt Phelps Phillips	Tecogen, Inc.
City of Palo Alto Utilities	Marin Energy Authority	Tiger Natural Gas, Inc.
City of San Jose	McKenzie & Associates	TransCanada
City of Santa Rosa	Merced Irrigation District	Turlock Irrigation District
Clean Energy Fuels	Modesto Irrigation District	United Cogen
Clean Power	Morgan Stanley	Utility Cost Management
Coast Economic Consulting	Morrison & Foerster	Utility Specialists
Commercial Energy	Morrison & Foerster LLP	Verizon
Consumer Federation of California	NLine Energy, Inc.	Wellhead Electric Company
Crossborder Energy	NRG West	Western Manufactured Housing Communities Association (WMA)
Davis Wright Tremaine LLP	NaturEner	eMeter Corporation
Day Carter Murphy	Norris & Wong Associates	
Defense Energy Support Center	North America Power Partners	