



**Pacific Gas and
Electric Company™**

David T. Kraska

Mailing Address
P.O. Box 7442
San Francisco, CA 94120

Street/Courier Address
Law Department
77 Beale Street, B30A
San Francisco, CA 94105

(415) 973-7503
Fax: (415) 972-5952
Internet: dtk5@pge.com

October 30, 2013

BY HAND DELIVERY

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

Re: FRV – Orion Solar Interconnection Project—Kern County
Advice Letter 4295-E
Protest from Randell Parker

Dear Mr. Randolph:

I. INTRODUCTION

I am writing regarding a protest to Pacific Gas and Electric's ("PG&E") Advice Letter 4295-E submitted by Randell Parker on behalf of Kern County Advocates for Agriculture ("Protestant") dated October 20, 2013, and received October 23, 2013 ("Parker Protest"). (A copy of the Parker Protest is attached as Exhibit A.)

PG&E filed Advice Letter 4295-E with the California Public Utilities Commission ("CPUC" or "Commission") on October 7, 2013, regarding a proposal to construct interconnection facilities between the Sun Edison-owned FRV Orion Solar Project in Kern County and PG&E's existing Weedpatch-San Bernard 70 Kilovolt (kV) Power Line. As part of the short interconnection, PG&E would replace two existing wood poles with three new tubular-steel poles in its existing easement, add one additional tubular steel pole to support a line between the existing line and Sun Edison's substation, and shorten another light-duty steel pole to accommodate the project ("interconnection work"). (A copy of the Advice Letter is attached as Exhibit B.) As indicated in the Advice Letter, the project is exempt from permitting requirements under Commission's General Order 131-D ("GO 131-D"), Section III. B.1, subsections (c), (f) and (g).

Protestant raises four objections to PG&E's interconnection work, two of which are aimed at alleged environmental impacts from reconductoring work that is not being proposed by PG&E or described in the Advice Letter, and two of which concern farmland conversion issues

related to the FRV Orion Solar Project but not PG&E's interconnection facilities. None of these claims belong in this forum or present valid grounds for sustaining a protest. 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).) Protestant's claims fall wide of the mark, focusing as they do on work that is not proposed by PG&E, and fail to establish that these circumstances exist.

Nor do they justify evidentiary hearings. Kern County completed a comprehensive environmental review process, complete with public hearings to address potential impacts associated with the FRV Orion Solar Project. Protestant not only participated in those hearings, but he has filed a lawsuit challenging the Orion EIR on some of the same grounds alleged in the Protest. His concerns are not with PG&E's minor interconnection work, and his claims do not belong before the Commission. As such, PG&E requests that the Executive Director of the Commission promptly issue an Executive Resolution finding that the protest 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 November 29, 2013. (GO 131-D, § XIII.)

II. PROJECT BACKGROUND

In order to accommodate its proposed FRV Orion Solar Project in Kern County, Sun Edison has asked PG&E to connect the existing Weedpatch-San Bernard 70 kV Power Line to the solar project's substation located at the intersection of Herring Road and South Edison Road in Kern County. PG&E will replace two existing 68-foot-tall wood poles with three new tubular-steel poles within PG&E's existing utility line easement. One additional tubular steel pole will be added to support a short (approximately 110-foot-long) 70 kV power line between the existing line and the substation, and one existing light-duty steel pole will be shortened ("topped") to continue to support distribution facilities. In order to meet California Public Utilities Commission (CPUC) General Order 95 minimum clearance requirements and current design standards, the four new poles will be approximately 60 to 80 feet tall to allow for existing distribution wires to be located on the same poles below the 70 kV power line.

The County of Kern adopted an Environmental Impact Report ("Orion EIR") for the FRV Orion Solar Project, finding no significant unavoidable environmental impacts resulting from PG&E's proposed facilities (State Clearinghouse #2012031079). Although Protestant has initiated a lawsuit challenging the Orion EIR, the EIR is presumed valid for purposes of use by

responsible agencies in accordance with Section 15231 of the Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., tit. 14, §§ 15000 (“CEQA Guidelines”).

III. ARGUMENT

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

Section III.B of GO 131-D requires utilities to obtain a Permit to Construct (“PTC”) for construction of “any electric power line facilities or substations . . . designed for immediate or eventual operation at any voltage between 50 kV or 200 kV.” (GO 131-D § III.B.) Section III.B.1 provides exemptions from PTC permitting requirements for certain utility projects, including the following types of construction:

(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;

(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 (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation; and

(g) power line facilities 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 Negative Declaration or EIR finds no significant unavoidable environmental impacts.

The interconnection work that PG&E is proposing falls squarely within these exemptions. Most of the work, including the removal of two existing poles, the shortening of one pole, and the installation of three new poles, will occur within PG&E’s existing public utility easement, qualifying the work for exemption (g). The work outside the existing easement, a looped 70 kV power line into and out of the customer-owned substation approximately 110 feet in length (one-way) and supported by one new pole (a dead-end structure), is a minor relocation of less than 2,000 feet under exemption (c). All of this work was also covered in Kern County’s EIR for the FRV Orion Solar Project, which found no significant unavoidable environmental impacts

resulting from PG&E's proposed facilities. This qualifies PG&E's interconnection work under a separate and independent GO 131-D exemption, exemption (f).

B. None of the Special Exemptions Apply to Require PTC Permitting.

GO 131-D Section III.B lists 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.) As indicated further below, Protestant has not established that any of these exceptions applies to the interconnection work proposed by PG&E. Moreover, the Orion EIR expressly confirmed that PG&E's facilities would not cause any significant unavoidable impacts on the environment, either at a project level or cumulatively. (See Section III.D below.) For these reasons, the exceptions to the exemptions do not apply.

C. Reconductoring is Not Included in the Work Proposed by PG&E

Protestant first alleges that the Orion EIR is inadequate because it fails to consider certain impacts relating to nine miles of reconductoring that is not being proposed by PG&E and is not described in the Advice Letter. The reconductoring project, according to Protestant, is "sited above a high pressure gas line owned by the Southern California Gas Co." (Parker Protest, at 1) and "crosses a State Highway, the Arvin Edison Canal, The Eastside Canal, and a habitat rich flood ditch . . . that drains Tejon Canyon, the condors historic home" (Parker Protest, at 2). Since this reconductoring is not part of PG&E's project, any impacts concerning it are not relevant here.

D. Approval of the FRV Orion Solar Project is Not Before the Commission

The FRV Orion Solar Project was approved on April 23, 2013 by the County of Kern, the agency with jurisdiction over the project. Before it approved the project, the County certified the Orion EIR (State Clearinghouse #2012031079). As indicated above, Protestant has challenged the approval of the solar project.

Although approval of the FRV Orion Solar Project is not before the Commission, Protestant nevertheless raises farmland conversion challenges aimed at the solar project, nearly identical to claims he filed with the Commission in comments dated October 20, 2013 on Draft Resolution E-4619 concerning the Adobe Solar Project. Specifically, Protestant asserts that the cumulative loss of prime farmland *as a result of solar development* will (1) negatively impact environmental justice by reducing available farm labor jobs, and (2) create cumulative air quality impacts by taking farmland out of production. Protestant does not mention PG&E's interconnection facilities in terms of these issues, and would be hard-pressed to do so given that PG&E's interconnection work is located almost entirely in PG&E's existing utility easement, with a short loop and single pole (referred to as a "dead-end structure" in the Orion EIR) immediately outside the easement, and is minor in scale compared to the 20 MW solar project. Kern County confirmed the minor nature of PG&E's interconnection work when it found that impacts due to the PG&E facilities "would result in the conversion of an extremely minimal amount of farmland that has been included in the analysis for the solar facility." (Orion EIR, p. 4.2-12.) The County concluded: "Given any loss of land attributable to the dead end structure and support poles not only is minimal, but also would be mitigated by the project proponent as part of the project, these facilities would not have a significant impact on agricultural resources." (*Id.*) In support of its finding of less than significant cumulative impacts due to farmland conversion, the County explained: "The proposed PG&E interconnection facility upgrades, which include poles and a dead-end structure in the solar facility's substation, have a very small footprint and would not result in a significant and unavoidable loss of agricultural lands." (Orion EIR, p. 4.2-18.) (*See also* Orion EIR, pp. 4.3-35 – 4.3-48 (less than significant direct and cumulative air quality impacts from PG&E's facilities); pp. 4.2-15 – 4.2-17 (PG&E's interconnection facilities are compatible with agricultural activities in the surrounding areas; impacts to agriculture are less than significant).)

Protestant's issues are not with PG&E's interconnection facilities, which PG&E is obligated to construct under federal law,¹ but with the FRV Orion Solar Project and other solar projects in the area. Those issues and approvals are not before the Commission. As to the interconnection work proposed in PG&E's Advice Letter, the Orion EIR – which is presumed valid by responsible agencies under Section 15231 of the CEQA Guidelines – analyzed the potential environmental impacts from construction of PG&E's facilities and determined that all impacts, including those relating to farmland conversion, were less than significant. For this reason, PG&E's project is exempt under exemption (f) of GO 131-D, Section III.B.1, and none of the exceptions to the exemptions listed in Section III.B.2 apply.

¹ Pursuant to the Federal Power Act and Federal Energy Regulatory Commission ("FERC") interconnection policy, PG&E has an obligation to interconnect new generation to the electrical grid. See Standardization of Generator Interconnection Agreements and Procedures, 104 FERC 61,103 (2003).

Edward Randolph
October 30, 2013
Page 6

IV. CONCLUSION

Protestant has failed to establish why the interconnection work described in Advice Letter 4295-E does not qualify for the exemptions under GO 131-D, Sections III.B.1(c), (f) and (g). Not only does this minor interconnection work qualify for the minor relocation exemption under subsection (c) and the existing easement exemption under subsection (g), but the Orion EIR has included PG&E's facilities in its environmental analysis and has found impacts from PG&E's facilities to be less than significant, providing a separate and independent exemption under subsection (f). The Orion EIR also establishes that none of the exceptions to the exemption apply to prevent the use of an exemption under Section III.B.2.

For the reasons stated above, PG&E respectfully requests that the Executive Director issue an Executive Resolution promptly dismissing the Protest in accordance with Section XIII of GO 131-D.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. T. Kraska', followed by a long horizontal line extending to the right.

David T. Kraska

DTK/dl

Enclosures

cc: Randell Parker
Mary Jo Borak, CPUC Energy Division

Exhibit A

Randell Parker
Kern County Advocates for Agriculture

Redacted

October 20, 2013

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

Re: FRV Orion Solar Project Advice Letter # 4295-E

Dear Director:

I am, again, submitting objections on behalf of Kern County Advocates for Agriculture, a California unincorporated association, having its principal place of business located in Kern County, and of my wife and me, to the approval and adoption of an exemption for this proposed project. The contemplated PG&E construction needs to be evaluated in terms of its own EIR, and I requesting a hearing prior to the exemption being granted by your agency.

Although it is true that the Final Environmental Impact Report (FEIR) certified for this project refers to this proposed construction, it appears that many factors have not been considered or evaluated or are omitted altogether. Your agency serves as a responsible and trustee agency, and the proposed request for an exemption assumes that the project was adequately discussed in the FEIR. It is our position that this issue was not adequately disclosed, analyzed, discussed, or considered; and it is currently the subject of pending litigation against the County and real parties in interest (applicant and property owners), initiated in the public interest by local residents on their own behalf and on behalf of the minority agricultural labor community in the Arvin area. .

In the environmental review documentation, PG&E notified the County of the need to "re-conductor" approximately nine (9) miles of poles and lines. This means larger, higher poles and new larger, higher capacity lines. Nowhere in the EIR did it mention, nor was it disclosed by any of the surveyors that the majority of the nine mile infrastructure is sited above a high pressure gas line owned by the Southern California Gas Co. There is a potentially significant possibility of catastrophic adverse impacts to the physical environment and public health and safety in the

event that the pipeline is breached during construction or fails due to inadequate inspection or maintenance resulting in an explosion that disrupts the transmission of power.

The proposed nine miles of construction crosses a State Highway, the Arvin Edison Canal, The Eastside Canal, and a habitat rich flood ditch. Also, the construction of the project comes within a mile of Comanche Point, and will terminate at a major flood ditch that drains Tejon Canyon, the condors historic home. None of these potentially significant environmental setting or baseline issues was disclosed or the associated impacts analyzed, discussed, or considered by the surveyors' study or documentation.

As stated in our previous opposition to the Adobe Solar project, it is our position that the cumulative effects of these projects' conversion of prime farmland into industrial solar factories, directly causes a loss of jobs that creates an Environmental Injustice to our low income minority farm workers and their communities. To date, this project and the others currently known or reasonably foreseeable, will result in more than a thousand (1,000) acres being taken out of production. This will significantly impact the large minority population in the communities of Lamont, Arvin and Mettler, and their citizens' economic interests, along with their medical care, and health and welfare..

Growing crops (some double- or triple-cropped) and the resultant photosynthesis works to the improvement of our air quality, both in the capture of CO₂, and the generation of oxygen. The solar panels will do nothing to help better our air quality. As the EIR points out, our South Valley air is the worst in the State and among the worst in the nation. In fact, the San Joaquin Valley Air Pollution Control District petitioned the U.S. Environmental Protection Agency to make a formal determination that the South San Joaquin Valley air basin is an "extreme non-attainment" air basin and will not be in compliance with Federal Clean Air Act standards until as late as 2024. Therefore, the conversion of prime farmland, the reduction of oxygen-producing farm crops, and the loss of on-farm and off-farm agricultural employment creates a violation of the Environmental Justice doctrine and the rights of the residents and employees of the Arvin area, which includes a majority of persons of color in the community. Therefore, there are unusual circumstances regarding Environmental Justice issues which must be disclosed, analyzed, discussed, and considered in writing by the CPUC and circulated to the public and public responsible and trustee agencies before your agency considers approving and adopting an exemption for the proposed project.

It is ironic to note that Kern County is a net energy exporter with bad air, but we're losing farmland that can help the air, just to export more power to the coastal areas, so that urban families outside the Valley can pay more for their electricity because its renewable energy. More important, the export of renewable energy to other less polluted areas of the State raises a significant issue of public policy; to-wit: Should local Kern County minority farm workers be deprived of Environmental Justice in the absence of a written disclosure, analysis, discussion, and consideration of these issues prior to approving and adopting an exemption of the proposed project.

Please schedule a hearing on the requested exemption so that the public interest may be served by a full public discussion of these issues. A few more days should not cause substantial detriment to these projects; and, if they really are for the public good, a review of the foregoing issues should be required in the public interest. Finally, the failure of the lead agency to require conservation easements as mitigation measures, without requiring the appropriate non-profit land trusts to hold the conservation/mitigation easements, militates in favor of holding a public hearing to evaluate and consider the legality of the proposed mitigation easements being held by the property owner from whom the applicant is leasing the project site.

At Your Service,



Randell Parker

cc. David Kraska, Law Dept, PGE
Center on Race, Poverty & the Environment
James Young, Phd, Chancellor Kern Community College District retired
Arvin High School Alumni Assoc.
Citizens For a Better Arvin
The Kern Audubon Society
Sierra Club of Kern County
Rick Westfall
Kern Ridge Growers
Lehr Bros.
College Green Fund

Exhibit B



Brian K. Cherry
Vice President
Regulatory Relations

Pacific Gas and Electric Company
77 Beale St., Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177

Fax: 415.973.7226

October 7, 2013

Advice 4295-E
(Pacific Gas and Electric Company ID U 39 E)

Public Utilities Commission of the State of California

Subject: Submits Notice of Construction, Pursuant to General Order 131-D, the Construction of FRV Orion Project Interconnection Facilities (Kern County)

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

In order to accommodate the interconnection of the proposed customer-owned FRV Orion Solar Project in Kern County, the developer has requested Pacific Gas and Electric Company (PG&E) to connect the existing Weedpatch-San Bernard 70 Kilovolt (kV) Power Line to the solar project's substation (larger project CEQA) located on the intersection of Herring Road and South Edison Road in Kern County. PG&E will replace two existing 68-foot-tall wood poles with three new tubular-steel poles within PG&E's existing power line easement (existing easement, intersetting additional structures). One additional tubular steel pole will be added to support a line between the existing line and the substation, and another pole will be shortened to accommodate the project. In order to meet California Public Utilities Commission (CPUC) General Order 95 minimum clearance requirements and current design standards, the four new poles will be approximately 60 to 80 feet tall to allow for existing distribution wires to be located on the same poles below the power line. Construction is scheduled to currently begin in January 2014, or as soon as project plans and approvals are in place, with completion in March 2014 or as soon as possible after construction begins.

CPUC General Order 131-D, Section III, Subsection B.1, exempts projects meeting specific conditions from the CPUC's requirements to file an application requesting authority to construct. The Company believes this project qualifies for the following exemptions(s):

- 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.

- 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 (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.
- g) power line facilities 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 Negative Declaration of EIR finds no significant unavoidable environmental impacts.

County of Kern adopted an Environmental Impact Report for the FRV Orion Solar Generation Facility, finding no significant unavoidable environmental impacts resulting from PG&E's proposed facilities (State Clearinghouse #2012031079 [Weblink: <http://pcd.kerndsa.com/planning/environmental-documents/286-frv-orion-solar-project>]).

Protests

Anyone wishing to protest this filing may do so by letter sent via U.S. mail, by facsimile or electronically, any of which must be received no later than October 28, 2013, which is 21 days¹ after the date of this filing. Protests should be mailed to:

CPUC Energy Division
ED Tariff Unit
505 Van Ness Avenue, 4th Floor
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 show 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

¹ The 20-day protest period concludes on a weekend, therefore, PG&E is moving this date to the following business day.

October 7, 2013

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

Facsimile: (415) 973-7226
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

PG&E requests that this advice filing become effective on **November 6, 2013**, which is 30 calendar days after the date of filing. (In accordance with G.O. 131-D, construction will not begin until 45 days after notice if 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/>.

Brian Cherry /IG

Vice President, Regulatory Relations

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

Attachments

CALIFORNIA PUBLIC UTILITIES COMMISSION

ADVICE LETTER FILING SUMMARY ENERGY UTILITY

MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

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

Utility type:

ELC GAS
 PLC HEAT WATER

Contact Person:

Phone #:

E-mail: and PGETariffs@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) #: **4295-E**

Tier: N/A

Subject of AL: **Submits Notice of Construction, Pursuant to General Order 131-D, the Construction of FRV Orion Project Interconnection Facilities (Kern County)**

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: N/A

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: **November 6, 2013**

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 21 days¹ after the date of this filing, unless otherwise authorized by the Commission, and shall be sent to:

Director, Energy Division
California Public Utilities Commission
505 Van Ness Avenue, Fourth Floor
San Francisco, CA 94102
E-mail: EDTariffUnit@cpuc.ca.gov

Pacific Gas and Electric Company
Attn: Brian K. Cherry, Vice President, Regulatory Relations
77 Beale Street, Mail Code B10C
P.O. Box 770000
San Francisco, CA 94177
E-mail: PGETariffs@pge.com

¹The 20-day protest period concludes on a weekend, therefore, PG&E is moving this date to the following business day.

NOTICE OF PROPOSED CONSTRUCTION

PROJECT NAME: FRV Orion Solar Project Interconnection to the Weedpatch-San Bernard 70 kV Power Line (Kern County)
ADVICE LETTER NUMBER: 4295-E

Proposed Project: In order to accommodate the interconnection of the proposed customer-owned FRV Orion Solar Project in Kern County, the developer has requested PG&E to connect the existing Weedpatch-San Bernard 70 Kilovolt (kV) Power Line to the solar project's substation (larger project CEQA) located on the intersection of Herring Road and South Edison Road in Kern County. PG&E will replace two existing 68-foot-tall wood poles with three new tubular-steel poles within PG&E's existing power line easement (existing easement, intersetting additional structures). One additional tubular steel pole will be added to support a line between the existing line and the substation, and another pole will be shortened to accommodate the project. In order to meet California Public Utilities Commission (CPUC) General Order 95 minimum clearance requirements and current design standards, the four new poles will be approximately 60 to 80 feet tall to allow for existing distribution wires to be located on the same poles below the power line. Construction is scheduled to currently begin in January 2014, or as soon as project plans and approvals are in place, with completion in March 2014, or as soon as possible after construction begins.

Exemption from CPUC Permit Requirement: CPUC General Order 131-D, Section III, B.1, exempts projects meeting specific conditions from the CPUC's requirements to file an application requesting authority to construct. Pacific Gas and Electric Company believes this project qualifies for the following exemption(s):

- 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.
- 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 (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.
- g) power line facilities 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 Negative Declaration of EIR finds no significant unavoidable environmental impacts.

County of Kern adopted an Environmental Impact Report for the FRV Orion Solar Generation Facility, finding no significant unavoidable environmental impacts resulting from PG&E's proposed facilities (State Clearinghouse #2012031079 [Weblink: <http://pcd.kerndsa.com/planning/environmental-documents/286-frv-orion-solar-project>]).

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 October 28, 2013 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

FRV Orion Solar Project Interconnection to the
Weedpatch-San Bernard 70 kV Power Line, Kern County

Advice 4295-E

Energy Commission

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

Mr. Drew Bohan, Chief Deputy Director
California Energy Commission
1516 Ninth Street, Mail Stop 39
Sacramento, California 95814

California Department of Fish and Game

Ms. Sarah Bahm
Environmental Scientist
CA Department of Fish and Game, Central Region
1234 E. Shaw Avenue, Fresno, CA 93710

County of Kern

Ms. Lorelei H. Oviatt, Director
2700 "M" Street, Suite 100
Bakersfield, CA 93301

Newspaper

The Bakersfield Californian

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

1st Light Energy	Douglass & Liddell	OnGrid Solar
AT&T	Downey & Brand	Pacific Gas and Electric Company
Alcantar & Kahl LLP	Ellison Schneider & Harris LLP	Praxair
Anderson & Poole	G. A. Krause & Assoc.	Regulatory & Cogeneration Service, Inc.
BART	GenOn Energy Inc.	SCD Energy Solutions
Barkovich & Yap, Inc.	GenOn Energy, Inc.	SCE
Bartle Wells Associates	Goodin, MacBride, Squeri, Schlotz & Ritchie	SDG&E and SoCalGas
Braun Blaising McLaughlin, P.C.	Green Power Institute	SPURR
CENERGY POWER	Hanna & Morton	San Francisco Public Utilities Commission
California Cotton Ginners & Growers Assn	In House Energy	Seattle City Light
California Energy Commission	International Power Technology	Sempra Utilities
California Public Utilities Commission	Intestate Gas Services, Inc.	SoCalGas
California State Association of Counties	Kelly Group	Southern California Edison Company
Calpine	Linde	Spark Energy
Casner, Steve	Los Angeles Dept of Water & Power	Sun Light & Power
Center for Biological Diversity	MAC Lighting Consulting	Sunshine Design
City of Palo Alto	MRW & Associates	Tecogen, Inc.
City of San Jose	Manatt Phelps Phillips	Tiger Natural Gas, Inc.
Clean Power	Marin Energy Authority	TransCanada
Coast Economic Consulting	McKenna Long & Aldridge LLP	Utility Cost Management
Commercial Energy	McKenzie & Associates	Utility Power Solutions
County of Tehama - Department of Public Works	Modesto Irrigation District	Utility Specialists
Crossborder Energy	Morgan Stanley	Verizon
Davis Wright Tremaine LLP	NLine Energy, Inc.	Water and Energy Consulting
Day Carter Murphy	NRG Solar	Wellhead Electric Company
Defense Energy Support Center	Nexant, Inc.	Western Manufactured Housing Communities Association (WMA)
Dept of General Services	North America Power Partners	
Division of Ratepayer Advocates	Occidental Energy Marketing, Inc.	