

## PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND  
COMPLIANCE DIVISION  
Energy Branch

RESOLUTION E-3317  
April 7, 1993

R E S O L U T I O N

RESOLUTION E-3317. VIACOM CABLEVISION'S REQUEST FOR COMMISSION APPROVAL TO DEVIATE FROM THE UNDERGROUNDING REQUIREMENTS OF PUBLIC UTILITIES CODE SECTION 320 ALONG A PORTION OF STATE HIGHWAY 116 (FORESTVILLE TO GUERNEVILLE) IN SONOMA COUNTY.

BY LETTER DATED SEPTEMBER 10, 1992.

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SUMMARY

1. Viacom Cablevision (Viacom) requests approval to construct overhead facilities along State Highway 116, between the communities of Forestville and Guerneville in Sonoma County. This section of State Highway 116 has been officially designated as a "Scenic Highway".
2. This Resolution grants the request.

BACKGROUND

1. State policy is to achieve undergrounding of electric or telecommunication facilities near scenic highways when feasible and consistent with sound environmental planning, Public Utilities Code (PUC) Section 320. The California Public Utilities Commission (Commission) is designated as the State's agency for implementing this undergrounding policy.
2. The Commission's policy for overhead installations, as enunciated in Decision (D.) 80864 dated December 19, 1972 in Case No. 9364, is as follows:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission Staff and, where appropriate, approved by Commission resolution. Local governments' participation in the review process is set forth hereinafter under the heading "coordination with Local Government."

Clear-cut cases of reasonable deviations are granted by resolution following letter requests or by ex-parte order following formal application. Potentially controversial formal applications for deviations are heard and appropriate Decisions rendered in each Case.

3. The California Department of Transportation (CALTRANS) Division of Transportation Planning has planning oversight on the construction of overhead facilities near state scenic highways.

#### NOTICE

1. Notice of this filing was given to CALTRANS and the County of Sonoma.

#### PROTESTS

1. No protests to these filings have been received by the Commission Advisory and Compliance Division (CACD).

#### DISCUSSION

1. Viacom proposes to install its cable system on existing electric or telephone poles at this location.

2. There is limited space to place construction equipment at this location. Trenching across this highway for the number of crossings would entail closure of this road without any reasonable alternative highway available.

3. CALTRANS, reportedly, does not own in fee simple the right-of-way for Highway 116 in this area. It has a prescriptive easement for much of the highway in this vicinity. Trenching to install the proposed facilities underground would require that the consent of adjacent property owners be obtained.

4. Trenching would necessitate the removal of a considerable quantity of natural growth. This could result in increased erosion, and would have a definite visible effect upon the views from this scenic highway.

5. If the other overhead lines (telephone and electric) are placed in underground conduit at a later date Viacom will install its facilities underground.

6. The Commission Advisory and Compliance Division recommends approval of this filing.

FINDINGS

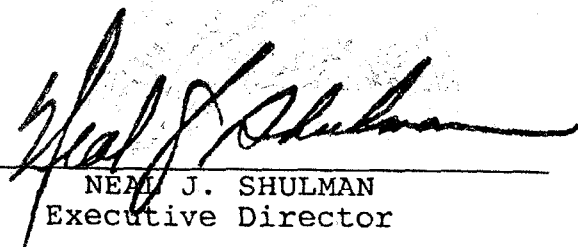
1. Installation of the cable network on existing telephone or electric poles will have only a limited visual impact upon this area.
2. The necessary clearing to install an underground cable system would result in a significant visual impact upon the environment in this area.
3. Trenching to install the cable network underground will necessitate closures of the road, without alternate routes available.

**THEREFORE, IT IS ORDERED that:**

1. Viacom Cablevision is granted authority to deviate from the undergrounding provisions of Section 320 of the Public Utilities Code to install an overhead cable television service on existing electric or telephone poles along State Highway 116 in Sonoma County between the communities of Forestville and Guerneville. This authority is granted in accordance with the procedures outlined in Decision 80864, dated December 19, 1972 in Case 9364.
2. If the other overhead facilities at this location should be undergrounded at a later date Viacom Cablevision shall underground its system at that time.
3. This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on April 7, 1993. The following Commissioners approved it:

DANIEL Wm. FESSLER  
PRESIDENT  
PATRICIA M. ECKERT  
NORMAN D. SHUMWAY  
P. GREGORY CONLON  
Commissioners

  
NEAL J. SHULMAN  
Executive Director