

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**COMMISSION ADVISORY AND
COMPLIANCE DIVISION
Energy Branch**

**RESOLUTION E-3430
November 21, 1995**

R E S O L U T I O N

RESOLUTION E-3430. MULTIVISION CABLE TV CORPORATION REQUESTS COMMISSION AUTHORITY TO DEVIATE FROM THE UNDERGROUNDING REQUIREMENTS OF PUBLIC UTILITIES CODE SECTION 320 IN AN AREA NEAR HIGHWAY 116 BETWEEN GUERNEVILLE ROAD AND ROSS STATION ROAD IN SONOMA COUNTY.

AUTHORITY REQUESTED BY LETTER DATED FEBRUARY 15, 1995 FROM FRAN PARKEY, VICE PRESIDENT AND REGIONAL MANAGER OF MULTIVISION CABLE TV.

SUMMARY

1. MultiVision Cable TV Corporation (MultiVision) requests Commission approval to install an overhead cable television line for 7,814 feet along Highway 116, a scenic highway. This project would provide cable television service to seventy-one residents at Forestville in Sonoma County. Because of a legislative mandate requiring underground installation, MultiVision needs Commission approval for an overhead installation.
2. No protests have been received regarding MultiVision's request.
3. This Resolution approves the request.

BACKGROUND

1. MultiVision is a cable television corporation located in Rohnert Park, California. Since 1992, MultiVision has been extending its service into rural sections of Sonoma County. MultiVision requested a deviation on February 15, 1995 to provide cable television to 71 homes in the southern part of Forestville. MultiVision's proposed extension would take advantage of an existing overhead electric distribution system. The new line would be attached to 46 existing poles for a total of 7,814 linear feet along Highway 116, between Guerneville Road and Ross Station Road. Highway 116 is a scenic highway.
2. The California Department of Transportation (CALTRANS) has jurisdiction over the planning for California highways. An encroachment permit from CALTRANS is a prerequisite to

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MultiVision's further progress. In its letter of May 12, 1994, CALTRANS stated that it would not issue an encroachment permit to place aerial facilities on a scenic highway without approval from the Commission.

3. State policy regarding the overhead lines is expressed in Public Utilities Code Section 320:

"The Legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code and which would be visible from such scenic highways if erected above ground. The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the commission relating to the undergrounding of facilities and...

"The commission shall require compliance with the plan upon its adoption."

4. The Commission is responsible for the administration of Section 320 of the Code. It has held proceedings and adopted provisions for undergrounding. The Commission's Decision 80864, in Case 9364, dated December 19, 1972, allows for overhead installations 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'."

5. As the implementing agency, the Commission has granted exemptions to undergrounding requirements. For example, Resolution E-3217 granted authority to provide telephone service to James Bittner near Camp Sacramento in El Dorado County. The extension crossed U.S. Highway 50 (a state scenic highway) at the United States Forest Service Sayles Canyon Tract. The overhead crossing was placed on existing Pacific Gas & Electric Company (PG&E) poles, under a joint pole agreement. The impact and visibility of the overhead crossing was negligible, while the alternative of an underground installation would have had significant negative environmental impact and prohibitive cost.

6. In a similar situation, King Videocable Company of Diamond Springs was authorized to deviate from undergrounding requirements in the vicinity of Kyburz. The proposed system used existing utility poles to reduce the number of King Videocable's crossings from ten to five. Because no new poles

were required, visibility of the added lines within 1,000 feet of Highway was negligible. (Resolution E-3200).

7. The cost to underground the system would be several times more than the cost to install the system on existing PG&E and Pacific Bell utility poles. The underground system cost is estimated by MultiVision at \$82,759 while the overhead attachment is estimated at \$8,021.

8. Lack of an encroachment permit required MultiVision to temporarily bypass the Forestville area. The homeowners in the area desire cable service and have petitioned Ernie Carpenter, Fifth District Supervisor for Sonoma County on their behalf.

PROTESTS

1. No protests were received by this Commission.

DISCUSSION

1. MultiVision requests a deviation from Public Utilities Code Section 320 for the installation of overhead cable television line on existing electric and telephone joint poles on Highway 116 between Guerneville Road and Ross Station Road in Sonoma County.

2. On April 17, 1995, a staff member from the Commission Advisory and Compliance Division staff inspected that portion of the line along Highway 116 for the proposed deviation and found that it was in the vicinity of the scenic highway.

3. The proposed cable has a bundled diameter of 1.25 inches and as such is slightly more visible than the existing overhead electric lines, with a diameter of approximately 0.5 inches.

4. There are several reasons for granting MultiVision's request. The environment would be less negatively impacted with the attachment of the overhead cable line to an existing system than by the excavation and installation of an underground cable. The ratio of cost between an underground installation and an overhead installation is approximately ten to one. In the past the Commission has found that even lower ratios are sufficient to support authorization of overhead installations.

5. If the electric and telephone systems are placed underground in the future, it will be feasible for MultiVision to participate in the undergrounding.

6. For the reasons listed above, CACD recommends that the Commission grant MultiVision's request. Future deviations from Public Utilities Code Section 320 should be considered on a case by case basis.

FINDINGS

1. MultiVision requests a deviation of Public Utilities Code Section 320 for the installation of overhead cable television

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line on existing electric and telephone joint poles on Highway 116 between Guerneville Road and Ross Station Road in Sonoma County.

2. In its letter of May 12, 1994, CALTRANS stated that it would not issue an encroachment permit to place aerial facilities on a scenic highway without approval from the Commission.

3. The installation of an overhead line will have an insignificant effect on the environment in the vicinity of Highway 116 between Guerneville Road and Ross Station in Sonoma County.

4. The ratio of costs between an underground extension and the proposed overhead line extension cost is approximately one-tenth the underground option.

5. The cable television line would not be a great deal more noticeable as an additional element to the existing string of wires on poles.

6. If the overhead electric and telephone facilities are placed underground at some future date, MultiVision should be required to place its facilities underground also.

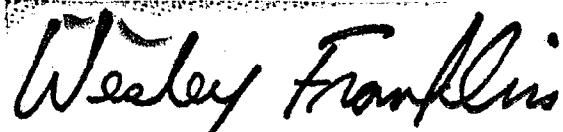
7. The deviation is reasonable and should be authorized.

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THEREFORE, IT IS ORDERED that:

1. MultiVision Cable TV corporation's request of February 15, 1995 to deviate from Public Utilities Code Section 320 for the proposed extension is authorized. However, should these primary lines be placed underground, the cable television lines should also be placed underground.
2. This Order is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on November 21, 1995. The following Commissioners approved it:



**Executive Director
Wesley Franklin**

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, Jr.
HENRY M. DUQUE
JOSIAH L. NEPPER
Commissioners