

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
(DRAFT)

COMMISSION ADVISORY AND
COMPLIANCE DIVISION
Energy Branch

RESOLUTION E-3462**
Date: August 2, 1996

R E S O L U T I O N

RESOLUTION E-3462. PACIFIC BELL, A SUBSIDIARY OF PACIFIC TELESIS, REQUESTS COMMISSION AUTHORITY TO DEVIATE FROM THE UNDERGROUNDING REQUIREMENTS OF PUBLIC UTILITIES CODE SECTION 320 ALONG SCENIC HIGHWAY 50 IN EL DORADO COUNTY.

AUTHORITY REQUESTED BY LETTER DATED MARCH 28, 1996 FROM CRYSTAL BEUTLER, PACIFIC BELL REPRESENTATIVE.

SUMMARY

1. Pacific Bell (Pacific) requests Commission approval to install overhead fiber optic cables across Scenic State Highway 50 near Kyburz in El Dorado County. There are eight proposed crossings; five would be lashed to existing telephone cable crossings, and three would be new crossings attached to existing electrical poles that now support overhead electric lines. No new poles will be placed at any of the locations. These new lines will enhance telephone service, especially 911 service.
2. No protests have been received regarding Pacific's request.
3. Because of the legislative mandate requiring underground installation, Pacific needs Commission approval for overhead installation. This Resolution approves the request.

BACKGROUND

1. California Public Utilities Code Section 320 (P.U. Code Sec. 320) was legislated in 1971, Chapter 1697. After hearings conducted by the California Public Utilities Commission (Commission) in Case 9364, Commission Decision 80864 implemented the State Legislation.
2. State policy regarding the proposed overhead line attachments is expressed in P.U. Code Sec. 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.

3. The Commission is responsible for the administration of Section 320 of the P.U. Code. It has held proceedings and adopted provisions for undergrounding. In the Commission's Decision 80864, in Case 9364, dated December 19, 1972, page 457, it is stated that "In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution."

4. Commission Decision 80864 also stipulates that no communication or electric utility shall install overhead distribution facilities "in proximity to" and "visible from" any prescribed corridor on a designated scenic highway in California unless a showing is made before the Commission and a finding made by the Commission that undergrounding would not be feasible or would be inconsistent with sound environmental planning.

5. Pacific Bell seeks a deviation from P.U. Code Section 320 in order to place fiber optic cable on existing power pole crossings along Highway 50 in El Dorado County. The size of the proposed fiber optic cable is .74 inches in diameter. Installation of overhead fiber optic cables will enhance telephone service in the area, especially 911 service.

6. Pacific Bell has existing telephone facilities (placed prior to the Scenic Highway Program), located along Scenic Highway 50, to which Pacific intends to lash new cable to existing cables (5) or to install new and separate cable (3), all of which would be placed overhead. Placement will require eight highway crossings. All of these crossings would take advantage of existing poles.

7. The eighth crossing is located in a canyon surrounded by steep rocky cliffs which are prone to landslides (Mile Post 54.28). At the eighth crossing, Pacific requests that it be allowed to lash the new cable on its existing overhead power lead located on top of, and back from, the cliff tops. Burying cable at this location would require considerable blasting to bore through the cliffs.

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8. It is estimated that underground construction would cost \$1,320,000, while overhead telephone line placement would cost approximately \$600,000, a cost savings of \$720,000.

9. The California Department of Transportation (CALTRANS) has jurisdiction over the planning for California highways. An encroachment permit from CALTRANS is a prerequisite to Pacific's further progress. CALTRANS issues an encroachment permit to place overhead facilities on a scenic highway conditioned upon approval by the Commission.

10. Pursuant to Commission rules and CALTRANS regulations regarding the placement of new overhead facilities in the State scenic highway corridor, a recommendation of support is required from the local jurisdiction. The El Dorado County Board of Supervisors, by action at a regular meeting held Tuesday, March 12, 1996, found that there is sufficient justification to exempt Pacific from underground installation of proposed fiber optic cable.

11. On June 3, 1996, representatives of the Commission Advisory and Compliance Division inspected the sites where fiber optic cable would be placed by Pacific. In five of the following crossings, the new cable will be lashed to the existing telephone cable. No new leads or poles will be placed. From east to west the locations are as follows:

a. This crossing is the furthest east. The location is approximately 300 feet east of Tamarack Road, at the central office location.

b. At Sierra Pines Road.

c. At Mile Post 60.62 east of Twin Bridges Tract.

d. Mile Post 51.28 is at the entrance to 35 Mile Tract.

e. Mile Post 50.67 is located at Eagle Rock Campground.

12. At the following three locations, there are existing electric line and poles; but a fiber optic cable would be new and installed separately from the electric lines:

a. Camp Sacramento, Mile Post 60.89. This is within a marshland area which requires special treatment. No open cut is allowed and the entire distance would have to be bored. The attachment is approximately 3,000 feet. The cost to place the cable underground is estimated at \$38,600. The cost to attach the cable to the existing power poles is estimated at \$3,850.

b. At Mile Post 54.28, approximately 2,000 feet east of Wrights Lake Road. The cost for boring under Highway 50 and placing the new cable underground and 200 feet up a hill is estimated at \$8,300. The cost to attach to the existing power poles is estimated at \$1,750.

c. At Mile Post 53.19. The terrain in this area is solid rock which would require extensive blasting in order to place telephone cable underground. The cost for an underground placement is estimated at \$27,700. The cost to attach to the existing power poles is estimated at \$1,450.

NOTICE

1. Notice of this letter was provided by publication in the Commission Calendar on July 11, 1996.

PROTESTS

1. No protests were received by this Commission.

DISCUSSION

1. As the implementing agency, the Commission has granted exemptions to undergrounding requirements in similar circumstances. For example, Commission approval was granted by Resolution E-3430 for MultiVision Cable TV Corporation to install an overhead cable television line for 7,814 feet along Highway 116. The overhead cable was attached to existing power poles. Resolution E-3217 granted authority to provide telephone service to James Bittner near Camp Sacramento in El Dorado County. The telephone cable was placed on existing Pacific Gas and Electric Co. power poles. 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. 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.

2. P.U. Code Sec. 320 requires undergrounding when feasible and consistent with sound environmental planning. In these instances, feasibility and sound planning justify a temporary deviation from the undergrounding requirements. Eventually, when other facilities are placed underground, these new crossings would be undergrounded also, with the possible exception of the crossing at Mile Post 54.28.

3. For the reasons listed above, CACD recommends that the Commission grant Pacific's request. Future deviations from P.U. Code Sec. 320 should be considered on a case-by-case basis.

4. If the electric system is placed underground in the future, it will be necessary for Pacific to participate in the undergrounding, if feasible.

FINDINGS

1. By letter dated March 28, 1996, Pacific Bell requests a deviation from California P.U. Code Sec. 320 for the installation of overhead telephone fiber optic cable at eight

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crossings over Scenic Highway 50. All of the crossings are within 1,000 feet of Scenic Highway 50. The crossings are near Kyburz in El Dorado County.

2. On June 3, 1996, Commission Advisory and Compliance Division staff visited and inspected the aerial crossings and determined them to be in the scenic highway corridor and subject to Commission review.

3. The Department of Transportation's issuance of an encroachment permit for these proposed crossing attachments is conditioned on Commission approval.

4. The installation of overhead fiber optic cables will enhance telephone service in the area, especially 911 service. The crossings will have an insignificant effect on the environment in the vicinity of Scenic Highway 50.

5. The cost of underground installation of telephone line far exceeds the cost of aerial attachment to existing poles.

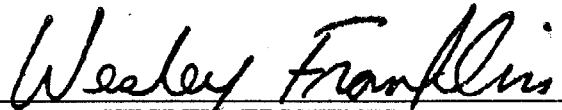
6. If the overhead electric facilities are placed underground at some future time, Pacific Bell should be required to place its facilities underground also, if feasible.

7. This deviation request is reasonable and should be authorized.

THEREFORE, IT IS ORDERED that:

1. Pacific Bell's request to install fiber optic cable across Scenic Highway 50 is authorized. The proposed overhead installations are authorized. If the existing overhead electric lines are placed underground at some future time, the telephone cables will also be placed underground.
2. Subsequent requests for deviations for scenic highways will be assessed by this Commission on a case-by-case basis.
3. This Order is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on August 2, 1996. The following Commissioners approved it:



WESLEY FRANKLIN
Executive Director

P. GREGORY CONLON
President
DANIEL WM. FESSLER
JESSIE J. KNIGHT JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners