

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-3500
JULY 28, 1997**

RESOLUTION

**RESOLUTION E-3500. EXECUTIVE DIRECTOR'S ORDER
DISMISSING PROTEST BY DORIS HOUSE TO PACIFIC GAS &
ELECTRIC COMPANY'S CLAIM OF EXEMPTION FROM GENERAL
ORDER 131-D PERMITTING REQUIREMENTS FOR THE ALTAMONT
PASS 60 KV POWER LINE RELOCATION PROJECT.**

BY ADVICE LETTER 1671-E FILED ON MAY 13, 1997.

SUMMARY

Pacific Gas and Electric Company (PG&E) proposes to relocate about 900 feet of the existing Altamont Pass 60 kV power line in Alameda County. This relocation is necessary to accommodate the County of Alameda's relocation of Altamont Pass Road to improve traffic safety.

The relocation of power lines is governed by General Order (GO) 131-D which requires either an application for a Permit to Construct or an informational advice letter if the project qualifies for an exemption, as specified in GO 131-D, Section III.B. PG&E filed Advice Letter No. 1671-E to claim exemption from the requirement to file for a Permit to Construct, as prescribed by GO 131-D, Sections XI.B and C. PG&E's claim of exemption is based on GO 131-D, Section III.B.1.c., which exempts 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."

Doris House protested this advice letter, raising several questions which do not bear on PG&E's application of the specified exemption to this project. Therefore, this protest is dismissed for failure to state a valid reason.

BACKGROUND

Electric utilities proposing to construct new power lines of 50 kV to 200 kV, or to upgrade or relocate existing power lines in that range, must comply with GO 131-D which, among other things, provides for filing an application for a Permit to Construct unless the project is exempt for certain reasons specified in Section III.B of the GO.

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In Section XIII, GO 131-D provides that any person or entity may protest a claim of exemption for one of two reasons: (1) that the utility incorrectly applied a GO 131-D exemption, or (2) that one or more conditions exist which are specified in the GO to render the exemption inapplicable. If a timely protest is filed, construction shall not commence until the Executive Director has issued an Executive Resolution either requiring the utility to file an application for a Permit to Construct or dismissing the protest.

In Advice Letter No. 1671-E, PG&E proposes to relocate about 900 feet of the existing Altamont Pass 60 kV power line in Alameda County. This relocation is necessary to accommodate the County of Alameda's relocation of Altamont Pass Road to improve traffic safety. The subject power line is currently located along the shoulder of the roadway and must be shifted 10 to 40 feet laterally into the newly realigned roadway's shoulder, affecting about 900 feet of the power line.

NOTICE

PG&E distributed a Notice of Proposed Construction in accordance with Section XI of GO 131-D, including the filing and service of Advice Letter No. 1671-E in accordance with Section III of GO 96-A.

PROTESTS

Doris House submitted a protest to the Commission on June 9, 1997, claiming that the proposed new alignment will not be located within the County's road right-of-way as alleged and raising several other issues related to the effectiveness of PG&E's stated EMF reduction measure, the removal or damage to existing redwood trees and the alleged infringement of property rights.

PG&E responded to Ms. House's protest on July 16, 1997, after receiving a copy of her protest from the Commission on July 8, 1997. Ms. House's protest letter referred to the wrong Advice Letter Number, which appears to have contributed to the delay by both the Commission and PG&E in acting upon it. In any event, PG&E's response argues that Ms. House's protest does not claim that PG&E has improperly applied the exemption provided in GO 131-D for the relocation of up to 2,000 feet of existing power line facilities. PG&E further argues that Ms. House has not demonstrated that its proposed power line relocation will create one of the three conditions specified in GO 131-D, Section III.B.2, which would bar PG&E from claiming this exemption.

DISCUSSION

Ms. House's first allegation, that the "proposed new alignment will not be located within the County's road right of way as alleged", does not alter the fact that PG&E is relocating about 900 feet of an existing power line, 10 - 40 feet laterally. This relocation appears to fall squarely within the meaning of the exemption claimed by PG&E. Nor does this allegation demonstrate the existence of any of the three conditions specified in GO 131-D as barring the claim of an

exemption :

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

Similarly, none of the additional six issues or allegations raised by Ms. House demonstrate that PG&E has incorrectly applied the exemption it has claimed, nor that any of the three conditions preventing its claim exist. She has not identified any environmental resource of hazardous or critical concern, cumulative impact of successive projects, or a significant environmental impact due to unusual circumstances.

Instead, Ms. House's concerns appear to be primarily related to the condemnation of her property by the County of Alameda for the purpose of the County's relocation of the Altamont Pass Road, While recognizing that such proceedings are often very difficult for affected property owners, this Commission does not have the power to consider such matters of property rights and access.

FINDINGS

1. PG&E proposes to relocate about 900 feet of the existing Altamont Pass 60 kV power line in Alameda County, necessitated by the County of Alameda's relocation of Altamont Pass Road to improve traffic safety.
2. As its grounds for exemption from a Permit to Construct, PG&E cites GO 131-D, Section III.B.1.c., which exempts 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."
3. PG&E distributed a Notice of Proposed Construction in accordance with Section XI of GO 131-D, including the filing and service of Advice Letter No. 1671-E in accordance with Section III of GO 96-A.
4. Doris House submitted a protest to the Commission on June 9, 1997, claiming that the proposed new alignment will not be located within the County's road right-of-way as alleged and raising several other issues related to the effectiveness of PG&E's stated EMF reduction measure, the removal or damage to existing redwood trees and the alleged infringement of property rights.
5. PG&E responded to Ms. House's protest on July 16, 1997, and Ms. House's protest does not claim that PG&E has improperly applied the exemption provided in GO 131-D for the relocation of up to 2,000 feet of existing power line facilities. PG&E further argues that Ms. House has not demonstrated that its proposed power line relocation will create one of the three conditions specified in GO 131-D, Section III.B.2, which would bar PG&E from claiming this exemption.

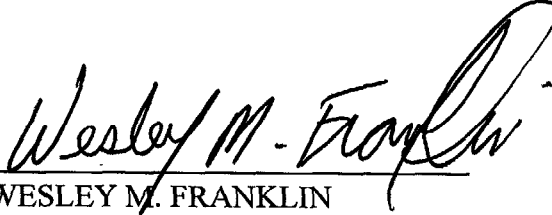
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6. None of the seven issues or allegations raised by Ms. House demonstrate that PG&E has incorrectly applied the exemption it has claimed, nor that any of the three conditions preventing its claim exist. She has not identified any environmental resource of hazardous or critical concern, cumulative impact of successive projects, or a significant environmental impact due to unusual circumstances.
7. Ms. House's concerns are related to the condemnation of her property by the County of Alameda for the purpose of the County's relocation of the Altamont Pass Road, which this Commission does not have the power to consider.

THEREFORE, IT IS ORDERED that:

1. Doris House's protest to Pacific Gas and Electric Company's Advice Letter No. 1671-E is dismissed.
2. This Resolution is effective today.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


WESLEY M. FRANKLIN
Executive Director