

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION NO. E-4225

RESOLUTION

Resolution E-4225. Southern California Edison (SCE). This Executive Director Action Resolution finds that SCE's Advice Letter 2272-E, notifying the Commission of the proposed construction of utility facilities, is exempt from the requirements to obtain a Permit to Construct ("PTC Requirements") pursuant to General Order 131-D ("GO 131-D"), Section III, Subsection B.1.g. ("Exemption g."); and dismisses the protests submitted to the Commission because the facts claimed in the protests do not support a finding that the exception criteria contained in GO 131-D, Subsection B.2.a-c. exists.

By Advice Letter 2272-E. Filed on October 2, 2008.

SUMMARY

This Executive Director Action Resolution finds that SCE's Advice Letter 2272-E, notifying the Commission of the proposed construction of utility facilities, is exempt from the requirements to obtain a Permit to Construct ("PTC Requirements") pursuant to General Order 131-D ("GO 131-D"), Section III, Subsection B.1.g. ("Exemption g."); and dismisses the protests submitted to the Commission because the facts claimed in the protests do not support a finding that the exception criteria contained in GO 131-D, Subsection B.2.a-c. exists. This Resolution is effective immediately.

BACKGROUND

On October 2, 2008, Southern California Edison ("SCE") filed Advice Letter 2272-E; Notice of Proposed Construction Project Pursuant to General Order 131-D, Moorpark-Newbury 66 kV Subtransmission Line Project. SCE proposes to construct the new Moorpark-Newbury 66 kilovolt (kV) subtransmission line to address a base case overload on the Moorpark tap of the existing Moorpark-Newbury-Pharmacy 66kV subtransmission line. The new Moorpark -Newbury 66 kV subtransmission line will be constructed between SCE's Moorpark

Ormond Beach-Moorpark 220 kV ROW at a point approximately 4,150 feet south of the intersection of Santa Rosa Road and Gerry Road.

- The new double-circuit TSPs, which will be approximately 75-125 feet tall, will carry both the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line and the new Moorpark-Newbury 66 kV line. Both circuits will be strung with 954 ACSR (the existing Moorpark-Newbury-Pharmacy 66 kV line currently is strung with 653.9 ACSR, but will be reconducted as part of this project to avoid conductor swing and rise conflict with the new Moorpark-Newbury 66 kV line).
- Section 4: Replacement of 36 single-circuit wood poles with 36 double-circuit lightweight steel (LWS) poles for approximately 1.2 miles in existing ROW.
- This section begins at a point approximately .3 miles west of the intersection of Conejo Center Drive and Rancho Conejo Blvd and ends at a Newbury Substation.
- This section will involve the transfer of the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line from existing 70-90 foot tall poles to new 75-95 foot tall double-circuit LWS poles carrying both the new Moorpark-Newbury-Pharmacy 66 kV subtransmission line and the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line.

GO 131-D

GO 131-D was adopted by the Commission in Decision D. 94-06-014 and modified by D.95-08-038. Pursuant to GO 131-D, Section III.B.1.g., SCE claims that the proposed facility construction meets the specific conditions that exempt SCE from the PTC Requirements. SCE claims that the proposed facilities will be consistent with following exemption criterion:

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.

Moorpark; the Ventura County Board of Supervisors County; City of Thousand Oaks; and Santa Rosa Valley Municipal Advisory Council.

Due the large number of protests received, the Commission granted SCE an extension of the normal 5 day period, to respond to the protests. On October 31, 2008, SCE responded to the protests.

The protests raise questions about the Project in the following areas: (1) Noticing; (2) the application of Exemption g. to the project; (3) electric and magnetic fields (EMF); (4) safety, including concerns related to wind, earthquake and potential fire; (5) Aesthetics or property values; (6) Impact to sensitive plant and animal species; (7) Project need; (8) Project alternatives; (9) Tree removal; (10) Climate change; (11) Project construction impacts.

In addition, many protestors request an Environmental Impact Report ("EIR") and evidentiary hearings to resolve factual disputes.

SCE has addressed each of the issues raised in the Protests above. SCE claims that the protests fail to demonstrate that the conditions specified in CEQA Guidelines 15300.2 and GO 131-D, B.2.a.-c. , which would require an application for a permit to construct, exist. SCE claims that the grounds for a valid protest under Section XIII of GO 131-D have not been met and, therefore, the protests should be dismissed.

The following Section summarizes the grounds of the protests, SCE's responses to the protests, and states Energy Division's findings with regard to whether the facts alleged in the protests meet the criteria for a valid protest pursuant to GO 131-D, Section XIII.

DISCUSSION OF PROTESTS

Noticing

Several parties allege that inadequate notice was provided for the project

GO131-D Section XI, Subsection B requires that for facilities deemed exempt from the PTC Requirements, notice is to be provided: by direct mail to the planning director of each county or city in which the facilities will be located and the Executive Director of the Energy Commission; advertisement in newspapers in the county or city in which the facilities will be located.

Energy Division finds that, because SCE is complying with Commission policy, EMF exposure resulting from the project is not sufficient basis for finding that an exemption under Section III.B.2a-c. exists.

Brush fire and Earthquake Hazard

Protesters claim that the proposed facilities have the potential to result in increased fire hazards due to strong Santa Anna wind events. Protesters also claim that the proposed facilities will expose people to hazards resulting from the toppling of towers during an earthquake, as the project area may traverse the Simi-Santa Rosa Fault zone.

SCE responded that brush fire and earthquake hazard are common in their service territory and that neither circumstance is "unusual". SCE argues that even if unusual circumstances were found to exist, there is no possibility of a significant impact due to the unusual circumstances since the project site is an existing right-of-way with either 220 kV or 66 kV structures.

Energy Division finds that potential brushfire and seismic concerns do not constitute "unusual circumstances" in SCE's service territory.

Aesthetics or property values

Protests claim that the construction of additional powerlines will have a significant impact on scenic views and the existing visual character and quality of the sites and surroundings.

SCE responded that according to CEQA aesthetic criteria, the proposed project does not meet the thresholds that indicate significant impact. SCE argues that the project would result in a small incremental aesthetic change, and would not substantially impact the visual quality of the site.

Regarding the proposed project's impact on property values, SCE claims no systematic measure of property value impact resulting from proximity to electric facility has been established.

Energy Division finds that the incremental nature of the proposed power lines in the established right-of-way would not result in a potentially significant aesthetic impact as defined by CEQA guidelines. Further, Energy Division agrees with SCE that an accepted methodology for assessing the property value impact resulting from the proximity of electrical facilities has yet to be established.

SCE's response to the protests states that the project is needed immediately to address current possible overload conditions during periods of peak customer demand.

Energy Division acknowledges that SCE has a responsibility to maintain reliable electric service for its customers and has no reason to doubt that this project is required to meet reliability needs.

Project alternatives

Protesters assert that SCE failed to consider alternatives to the proposed facilities, including locating the project in an existing subtransmission corridor that runs parallel to the existing 220 kV corridor, or on the west side of the 220 kV corridor rather than the east side.

SCE responded that the line should not be built in the existing 66kV ROW located 1800 feet to the west of the 220 kV ROW because of cost, lack of ROW and reduced reliability. Regarding placement on the facilities on the west side, SCE states that this option would require that the 66 kV line cross under the 220 kV line several times, resulting in engineering, construction, and safety complications. Regarding using the 220 kV facilities to support the new 66 kV circuit, SCE states that the existing 220 kV structures are not designed to accommodate a third circuit.

Energy Division agrees with SCE's assessment that an alternative route is not feasible due to engineering and technical considerations.

Tree removal

Protesters note the presence of a "Heritage Tree" protected by the Ventura County Tree Protection Ordinance.

In SCE's response to protesters, SCE acknowledges that the height and position of the tree would necessitate its removal pursuant to State Vegetation Management laws and CPUC GO 35. SCE states that they will obtain any applicable ministerial permits from Ventura County prior to the tree's removal.

This Resolution is conditioned on SCE acquiring all required local permits.

Climate change

Protests argue that the project will generate greenhouse gasses that will incrementally contribute to a cumulatively significant global warming impact.

activity will have a significant effect on the environment due to unusual circumstances. Therefore, the protests do not meet the criteria for an exception from Exemption g., which would require SCE to apply for a permit to construct.

This advice filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other rate schedule or rule.

FINDINGS

1. On October 2, 2008, Southern California Edison (SCE) filed Advice Letter 2272-E; Notice of Proposed Construction Project Pursuant to General Order 131-D, Moorpark-Newbury 66 kV Subtransmission Line Project.
2. The new Moorpark –Newbury 66 kV subtransmission line will be constructed between SCE’s Moorpark Substation, located at the northwest corner of Gabbert Road and Los Angeles Avenue in the City of Moorpark, and SCE’s Newbury Substation, located at 1295 Lawrence Drive in the City of Thousand Oaks. The project, which will involve both the construction of new facilities and replacement and reconductor of existing facilities, is approximately 9 miles in length, and will traverse portions of the City of Moorpark, unincorporated areas of Ventura County, and the City of Thousand Oaks, all within existing easements, rights-of-way (ROW) and SCE fee-owned property.
3. Southern California Edison Company (SCE) would construct the Moorpark-Newbury 66 kV subtransmission Line Project (Project) within existing SCE easements, fee-owned right of ways, and franchise locations to address a base case overload on the Moorpark tap of the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line.
4. The Energy Division has independently reviewed the advice letter and has deemed that this project qualifies for the following exemption:
“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.”
5. Energy Division finds that the proposed facilities are exempt from the requirements to obtain a permit to construct (“PTC” Requirements”) because they will be located entirely within SCE’s existing easements, rights-of-way (“ROW”) and SCE fee-owned property, which is consistent with exemption criterion General Order 131-D (GO 131-D), Section III, Subsection B.1.g.

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16. Energy Division finds that incremental contribution to climate change of the proposed facilities does not support the application of the exception criteria.
17. This advice filing will not increase any rate or charge, cause the withdrawal of service, or conflict with any other rate schedule or rule.

IT IS HEREBY RESOLVED

1. The findings of Energy Division Staff are hereby adopted by the Executive Director.
2. SCE's Advice Letter 2272-E, notifying the Commission of the proposed construction of utility facilities, is exempt from a Permit to Construct pursuant to General Order 131-D (GO 131-D), Section III, Subsection B.1.g.
3. The protests are dismissed because the facts claimed in the protests do not meet the exception criteria contained in GO 131-D, B.2.a-c.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by Executive Director Action Resolution on February 24, 2009.



Paul Clanon
Executive Director