



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE **FILED**

STATE OF CALIFORNIA

03-25-10

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In the Matter of the Application of SOUTHERN )  
CALIFORNIA EDISON COMPANY (U-338-E) )  
for a Certificate of Public Convenience and )  
Necessity for the San Joaquin Cross Valley )  
Loop Transmission Project )

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A.08-05-039

(Filed May 30, 2008)

**REPLY BRIEF OF PACE**  
**(PROTECT AGRICULTURE COMMUNITIES ENVIRONMENT)**

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Date: March 25, 2010

## **SUMMARY OF RECOMMENDATIONS**

- 1). The claimed immediate need for Route 1 is unsupported
  - a. Demand is not what it used to be
  - b. There are less damaging alternatives to meet short term area peak demands
  - c. Route 1 will have more significant delays than Routes 2 or 3
- 2). SCE's corporate commitment is called into question
- 3) The CPUC needs to choose the least environmentally damaging alternative
  - a. Route 2 has less impacts in areas of concern than Route 1. However, Route 3A is clearly the superior route in all areas of concern and should be evaluated, and adopted, as the approved route .

## INTRODUCTION

PACE submits this Reply Brief in response to ALJ Yacknin's Ruling Admitting Final Environmental Impact Report (Response to Comments) and Setting Dates for Concurrent Opening and Reply Briefs of February 25, 2010.

### I. ROUTE 1 IMMEDIATE NEED UNSUPPORTED

#### A. Demand Is Not What It Used To Be

In its Opening Brief, SCE trots out the original bogeyman it employed in its initial application for this transmission line:

*“Tulare County is one of the fastest growing regions in California. This increased growth has resulted in an increased demand for electricity. SCE has determined that the existing transmission lines ... will be unable to deliver sufficient electricity to safely and reliably serve this increased demand.”<sup>1</sup>*

They never bothered to update their vintage projections with the new economic reality facing California. Fortunately, the agency responsible for electricity planning in the state, the California Energy Commission (CEC), does. It has recently adopted the “CALIFORNIA ENERGY DEMAND 2010-2020 ADOPTED FORECAST”<sup>2</sup>. The Executive summary states the major differences between this adopted forecast, and the previously adopted demand forecast:

*“The report’s energy consumption and peak forecasts are lower than the 2008-2018 forecasts previously produced for the 2007 Integrated Energy Policy Report, primarily because of worsening economic conditions. Compared to the previous forecast, projected electricity consumption is down by more than 5 percent, and peak demand is down by almost 4 percent in 2018.”* (pg. xvii).

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<sup>1</sup> Application of Southern California Edison Company (U-338-E) for a Certificate of Public Convenience and Necessity to Construct the San Joaquin Cross valley Loop transmission Project, May 30, 2008, Executive Summary, page B-1.

<sup>2</sup>: “CALIFORNIA ENERGY DEMAND 2010-2020 ADOPTED FORECAST” California Energy Commission, CEC-200-2009-012-CMF, December 2009. We would ask the Commission to take official notice of this report.

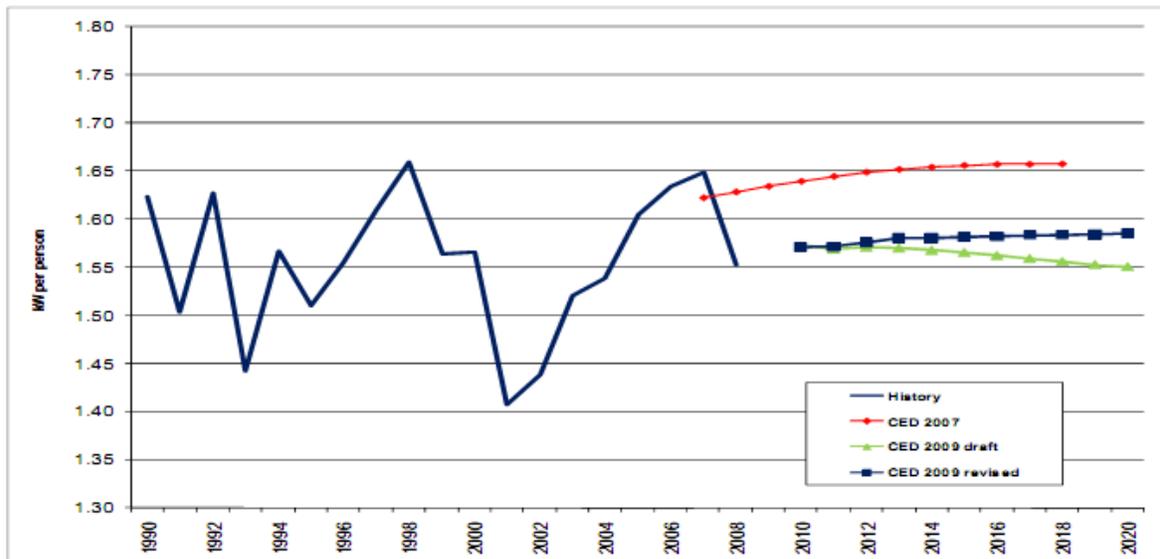
As a CEC staff member explained, the big difference between the demand forecast adopted this December and the previous forecast was, for the peak demand “3.5% lower than 2007 forecast in 2018, slightly lower annual growth rate than 2007 forecast after 2010”<sup>3</sup>

With regards to the SCE region specific forecast, the adopted report states:

*“The largest percentage reduction in electricity consumption and peak demand relative to CED 2007 occurs in the residential and commercial sectors. Alternative economic scenarios increase or decrease electricity consumption and peak demand by around 2.5 percent in 2020.”* (Pg. 87)

The following graph, from page 92 of the report, clearly illustrates this phenomena: Look at peak demand load drop since 2007. The new adopted forecast shows per capita peak demand never reaching the 2007 levels, and the SCE system peak taking several years to recover to the 2007 levels.

**Figure 50: SCE Planning Area per Capita Peak Demand**



Source: California Energy Commission, 2009

Even SCE’s witness, on cross examination, noted this new forecast’s impact. For this planning area (CEC Climate Zone 7) he stated:

<sup>3</sup> California Energy Demand 2009 Revised Forecast: Key Results and Recent Changes, Presentation by Chris Kavalec, California Energy Commission Demand Analysis Office, Electricity Supply Analysis Division, December 2, 2009, available from [http://www.energy.ca.gov/2009\\_energypolicy/documents/index.html](http://www.energy.ca.gov/2009_energypolicy/documents/index.html).

*“And the CEC has said, based upon the latest economic projections, they anticipate a 30-megawatt reduction from that was forecasted in 2007 to what they’re now forecasting in 2009 for planning year 2010”<sup>4</sup>*

So, despite SCE’s histrionics, the fact that the peak demand has dropped, and is not expected to recover for several years, provides time to build an alternative to their damaging Route 1 line.

### **B. There Are Less Damaging Alternatives To Meet Short Term Area Peak Demands**

When you talk with a transmission engineer or planner, their solution to virtually any problem is to build more transmission lines. However, even if there was an immediate pressing need in the area, there are less damaging ways to meet the short term needs, ways that this Commission has approved in other venues. For example, we would refer the Commission to the discussion and approval of the PG&E experimental residential time-of-use tariff E-A7. This tariff was approved for a specific location in the PG&E area that was experiencing high peak demand load growth (East Bay region of the San Francisco Bay) but was transmission constrained. Rather than build a new transmission line to the area, this new tariff was implemented, and has been in effect for several years. And it works. Peak demand in the area has been controlled, and the need for a new transmission line diminished. If there was an immediate need in the area, a similar program could be implemented and in place in a very short period of time, much less than the time necessary to build a new transmission line.

### **C. Route 1 Will Have More Significant Delays Than Routes 2 or 3**

Even if there was an immediate need for a new transmission line in the area, and even if short term alternatives to manage area peak demand were not available, Route 1 will likely experience the longest delays of any of the alternatives in getting started.

In the PACE Opening Brief, we highlighted a significant improvement in the mitigation measures found in the FEIR:

*“Prior to any construction on this transmission line starting, SCE shall, at its cost, make sure that all wells and irrigation systems impacted by the Right of Way*

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<sup>4</sup> Reporter’s Transcript of August 31, 2009 Evidentiary Hearing, pg. 176, lines 23-27.

construction and operation are replaced with new water systems “capable of producing water of equal quantity and quality”.<sup>5</sup>

The FEIR noted that Route 1 will have the largest impact on water resources of any of the proposed routes, and logically will experience the most delays in finding new water systems “capable of producing water of equal quantity and quality” that will be necessary before they begin construction.

## **D. SCE’S CORPORATE COMMITMENT IS CALLED INTO QUESTION**

Scanning the Edison International website, one gets the clear impression that Edison companies are committed to the environment:

*“Concern for the environment is a core value for Edison International. And our business—generating and distributing power to millions of customers—is an environmentally challenging endeavor. Thus, while we’re proud of the service and value we provide, we also seek to minimize our environmental footprint wherever and whenever possible. Environmental issues are at the top of our business concerns.”<sup>6</sup>*

Evidently that memo didn't reach the transmission planners at SCE, who persist in their support of the most environmentally damaging alternative identified by the EIR process.

The Edison website goes on to state:

*“For over 100 years, Edison International companies have contributed to and partnered with communities to foster progress. We continue to engage our communities in our philanthropic efforts to help preserve a healthy and sustainable environment. Through teamwork and commitment, Edison continues to put great energy into initiatives that ensure our world will be a safe and thriving community, for the next hundred years.”<sup>7</sup>*

What the website fails to mention is the evident corporate exception to this policy for Tulare County, for reading the comments and briefs of virtually everyone in this proceeding it is impossible to reconcile Edison’s statements with their recommendations in this proceeding. We suspect the citizens of

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<sup>5</sup> PACE Opening Brief, page 2 and pages 7/8.

<sup>6</sup> [http://www.edison.com/environment/our\\_commitments.asp](http://www.edison.com/environment/our_commitments.asp)

<sup>7</sup> [http://www.edison.com/environment/environment\\_contributions.asp](http://www.edison.com/environment/environment_contributions.asp)

Farmersville, where Route 1 will compromise their planned industrial park, or the host of farmers and water organizations along Route 1, are shaking their heads and wondering what kind of corporate schizophrenia is going on at Edison.

## **E. CONCLUSION AND RECOMMENDATIONS**

The reason that we do not allow the electric utilities to just do what they want, and the CPUC undergoes this extensive process of evaluation and hearings, is that the CPUC has responsibility to balance all issues and approve the least environmentally damaging project – not the project with lowest initial cost, nor necessarily the one the utility advocates.

We note again for the record, this proceeding is not about an area that advocates no transmission line anywhere. The good people of Tulare County recognize the need for new transmission. They just want it done in the least environmentally damaging manner possible. They want what Edison says it also promotes, a

*“healthy and sustainable environment. ... a safe and thriving community, for the next hundred years”*.<sup>8</sup>

As the PACE Opening Brief states - If the Commission has to choose between Routes 1 and 2, Route 2 is the preferable route, with less impacts in areas of concern than Route 1. However, Route 3A is clearly the superior route in all areas of concern and should be evaluated, and adopted, as the approved route.

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<sup>8</sup> *ibid.*

Respectfully submitted,

A rectangular box containing a handwritten signature in black ink, which appears to read "Lon W. House".

By: /s/

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**CERTIFICATE OF SERVICE**

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I, Hank Zaininger, certify that I have, on this date, served the REPLY BRIEF OF PACE (PROTECT AGRICULTURE COMMUNITIES ENVIRONMENT) by email and U.S. Mail (for parties without email and ALJ Yacknin) on the parties listed on the Service List (attached) for the proceeding in California Public Utilities Commission Docket No. A.08-05-039.

I declare under penalty of perjury, pursuant to the laws of the State of California, that the foregoing is true and correct.

Executed on March 25, 2010 in Livermore, California.

          /s/ Hank Zaininger          

Hank Zaininger

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