



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

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In the Matter of the Application of SOUTHERN) Application 05-04-015
CALIFORNIA EDISON COMPANY (U 338-E))
for a Certificate of Public Convenience and) (Filed April 11, 2005)
Necessity Concerning the Devers-Palo Verde No.)
2 Transmission Line Project)

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E)
PETITION FOR SECOND MODIFICATION OF DECISION 07-01-040**

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Dated: September 5, 2012

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I. INTRODUCTION

The Devers-Palo Verde No. 2 Transmission Line Project (DPV2 or Project) is a critically important high-voltage transmission infrastructure project, the timely completion of which is essential for California’s progress towards its aggressive renewable energy goals. The Project consists of new 500 kV electrical transmission lines, structures and associated equipment spanning approximately 150 miles in Riverside County. Once completed, DPV2 will provide interconnection and electrical transmission for numerous solar energy facilities as well as conventional generation proposed for construction, including nine large-scale solar projects in California and Nevada with a potential output of more than 3,600 megawatts. DPV2 will provide the infrastructure necessary for transmission of this energy to load centers in Los Angeles and San Bernardino Counties.

Pursuant to California Public Utilities Commission (Commission) Rule of Practice and Procedure 16.4, Southern California Edison (SCE) submits this Petition for Modification (PFM) of D.07-01-040, which approved issuance of a Certificate of Public Convenience and Necessity (CPCN) for DPV2 in 2007, to address certain structural modifications to DPV2 that SCE has

determined to be necessary for consistency with recommendations provided by the Federal Aviation Administration (FAA). In particular, as part of SCE's final engineering efforts, SCE sought input from the FAA with respect to the Project's potential effects on aircraft operations. The FAA recommended modifications to the proposed towers and conductor spans, and SCE desires to comply with those recommendations.

By letter dated August 17, 2012, the Commission informed SCE that the filing of a PFM would be required to address SCE's implementation of modifications to DPV2 in response to the FAA's recommendations.¹ SCE is therefore concurrently filing this PFM and a Project Modification Report (PMR).² The PMR describes the proposed Project modifications, which would consist of installing marker balls on certain transmission line spans and installing lighting on certain transmission structures. The PMR identifies the location of the transmission line spans to be marked and transmission structures to be lit, and describes the equipment to be utilized and the installation methods. In addition, the PMR analyzes the potential environmental effects of the proposed Project modifications. The PMR demonstrates that the proposed Project modifications do not affect the Commission's prior determinations on environmental impacts or represent a substantial increase in the severity of previously identified significant impacts in the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) certified by the Commission for DPV2, as discussed below.

SCE has proposed changes to the findings of fact, conclusions of law, and ordering paragraphs in D.07-01-040 (as modified by D.09-11-007) to account for the proposed Project modifications, consistent with Commission Rule of Practice and Procedure 16.4(b). SCE's proposed changes are in Attachment B. SCE has supported its allegations of new or changed

¹ The letter from the Commission dated August 17, 2011, is appended as Attachment A.

facts with the Declaration of Malcolm Anderson in Attachment C, also consistent with Rule 16.4(b).

II. PROCEDURAL HISTORY

On January 25, 2007, the Commission issued a CPCN and certified the Final EIR/EIS for DPV2 in D.07-01-040. At that time, DPV2 was anticipated to be a 230-mile project that would provide interconnection for generation facilities in Arizona and California to provide electricity that would be transmitted to SCE's Devers Substation in Palm Springs and then to SCE's Valley Substation in Romoland, both in Riverside County. However, the Arizona Corporation Commission denied SCE's request to construct the Arizona portion of the Project, so SCE filed a petition for modification (followed by an amendment and a supplement to the amendment), requesting that the Commission modify D.07-01-040 to authorize construction of DPV2 in phases, beginning with the California-only portion from Devers Substation to a new substation approximately 15 miles west of Blythe. On November 20, 2009, in D.09-11-007, the Commission granted modification of D.07-01-040 to authorize construction of the California-only portion of DPV2.³ In D.09-11-007, the Commission found that construction of DPV2 is necessary in order for California to achieve its aggressive renewable electricity goals, particularly because it would be constructed within an existing transmission right-of-way already established for the Devers-Palo Verde No. 1 Transmission Line (DPV1) project, and because environmental review for DPV2 was already completed. *See* D.09-11-007 at 17-22 (observing that no other transmission project could access to the significant renewable energy resources that

² The PMR is appended as Attachment D.

³ In addition, on July 14, 2011, the Commission in D.11-07-011 approved issuance of a Permit to Construct for an expansion of the proposed Colorado River Substation, a component of DPV2, in order to accommodate interconnection at that substation from multiple large utility-scale solar generation facilities proposed for construction west of Blythe.

would be provided by the proposed large-scale solar projects in the Riverside East Competitive Renewable Energy Zone without significant time delays in terms of environmental review and significant cost).

Pursuant to D.07-01-040 (as modified by D.09-11-007), DPV2 is now approved as a 150-mile transmission line project that crosses lands of diverse terrain that are governed by a complex regulatory scheme requiring approvals from several federal and State agencies. An infrastructure project the size of DPV2 requires a complex sequence of engineering and construction that depends on numerous factors, including but not limited to: (1) the status of relevant federal and State agency approvals; (2) the need to minimize electricity outages and meet SCE's electric reliability requirements; and (3) seasonal construction restrictions relating to, among other things, weather, daylight hours, and biological considerations.⁴ Because such challenges might affect the specific components of the Project, final engineering for a given structure is preferred prior to seeking a determination from the FAA regarding potential hazards to navigation, especially since the FAA requires specific information regarding the height and location of each structure.

The FAA regulations establish standards for determining obstructions in navigable airspace, including height limitations on structures taller than 200 feet or within 20,000 feet (approximately 3.8 miles) of an airport. 14 C.F.R. part 77. The FAA requires that it be notified of these types of structures through the filing of FAA Form 7460-1 (Notice of Proposed Construction or Alteration). *See* 14 C.F.R. § 77.9. Filing a Form 7460-1 allows the FAA to conduct an aeronautical study to ascertain whether the proposed structure presents a hazard to air

⁴ Final engineering for DPV2 reflects constraints identified through extensive geotechnical investigations, biological and archeological surveys, and consultations with local governments, a Native American tribe and a variety of agencies, including the U.S. Forest Service, U.S. Fish and Wildlife Service, California Department of

navigation or could negatively impact the operational procedures of a nearby airport. The FAA then makes its recommendations, determining whether (1) the proposed structure constitutes a hazard to air navigation, (2) the proposed structure would not constitute a hazard if the structure is marked and/or lit, or (3) the proposed structure is not a hazard even in the absence of marking or lighting.

After final engineering was completed for DPV2, SCE identified the structures and catenaries that met the FAA reporting thresholds and submitted Forms 7460-1. In response, the FAA issued determinations recommending the installation of marker balls on certain transmission line spans and aviation lights on certain transmission structures, as the PMR discusses in detail. SCE recommends that this marking and lighting be installed, and has considered marking and lighting on adjacent DPV1 components, where appropriate. As outlined in the PMR, SCE demonstrates that such installations would not be a significant addition to the transmission infrastructure for DPV2. Accordingly, subject to Commission authorization, SCE will proceed with the Project modifications.

SCE informed the Commission of SCE's proposed Project modifications to respond to the FAA recommendations, including the installation of marker balls and aviation lights. On August 17, 2012, the Commission's Legal Division sent SCE a letter requiring SCE to file a PFM to address the proposed DPV2 modifications.

Rule 16.4(d) requires an explanation of timing for any PFM filing that is more than one year since the effective date of the Commission's decision. Although SCE is filing this PFM more than one year after issuance of D.07-01-040 and D.09-11-007, given the time needed to complete final engineering, obtain the FAA's recommendations and prepare the PMR, SCE has

Fish and Game, State Water Resources Control Board, California Department of Transportation, water and flood control districts, and other utilities such as the Imperial Irrigation District.

proceeded as efficiently as possible and the timing for filing this PFM is appropriate.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

The PMR describes and analyzes the potential environmental effects of marking and lighting. The PMR concludes that the proposed Project modifications do not affect the determinations on environmental impacts in the Final EIR/EIS or create “new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” *See* Cal. Code Regs. tit. 14, § 15162(a)(1). SCE believes that an addendum, rather than a subsequent or supplemental EIR, is the appropriate mechanism for documenting compliance with the California Environmental Quality Act (CEQA) for the Commission’s action on this PFM.

A. The Project Modification Report Documents that the Proposed Project Modifications Do Not Affect the Determinations on Environmental Impacts in the Final EIR/EIS.

The PMR analyzes the proposed Project modifications’ potential effects on the Final EIR/EIS’s determinations regarding environmental impacts, and documents that the proposed Project modifications do not affect those determinations. The PMR also demonstrates that the proposed Project modifications also do not substantially increase the severity of significant effects identified in the Final EIR/EIS. The PMR analyzes all resource areas covered by the Final EIR/ES as follows:

1. Agricultural Resources
2. Air Quality⁵
3. Biological Resources
4. Cultural Resources
5. Geology, Soils, and Mineral Resources
6. Hydrology and Water Resources
7. Land Use
8. Noise

⁵ The Air Quality analysis also includes a new analysis of greenhouse gas emissions impacts.

9. Public Health and Safety
10. Socioeconomics
11. Traffic and Transportation
12. Visual Resources
13. Wilderness and Recreation

The PMR describes SCE's view of the potential effects of the proposed Project modifications. SCE anticipates that the Commission will conduct its own environmental review under CEQA, consistent with its standard CEQA process. For the reasons discussed below, SCE believes that an addendum is the appropriate document to prepare under CEQA.

B. An Addendum Is the Appropriate Mechanism for Documenting CEQA Compliance

CEQA requires a subsequent or supplemental EIR for project modifications only when “[s]ubstantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” Cal. Code Regs. tit. 14, § 15162(a)(1); *see also* Cal. Pub. Res. Code § 21166(a) (“no subsequent or supplemental environmental impact report shall be required” unless “[s]ubstantial changes are proposed in the project which will require major revisions of the environmental impact report”); Cal. Code Regs. tit. 14, § 15163(a)(1) (a supplemental EIR is appropriate only when the conditions in Section 15162(a)(1) quoted above apply).

The California Court of Appeal has confirmed that CEQA does not require a further EIR where project modifications do not affect the determinations on environmental impacts in a final EIR. For example, modifications to the route for a pipeline to supply recycled non-potable water to an energy generation facility did not require an additional EIR because the realignment would not cause significant impacts not disclosed in prior studies or impacts more severe than previously anticipated. *Santa Teresa Citizen Action Group v. City of San Jose*, 114 Cal. App. 4th 689, 702-06 (2003). A further EIR was also unnecessary for modifications to site access for a

residential development where an additional traffic report determined that the modifications would not significantly change projected traffic on the adjacent street network. *Bowman v. City of Petaluma*, 185 Cal. App. 3d 1065, 1078-80 (1986). The court noted that the additional traffic report's conclusions were substantially the same as those in the original EIR. *See id.* Similarly, a subsequent or supplemental EIR was not required for a change in the water source for a project because an addendum determined that the impacts were the same as those in the original EIR. *Fund for Env't'l Defense v. County of Orange*, 204 Cal. App. 3d 1538, 1548 (1988).

A subsequent or supplemental EIR is unnecessary here because the proposed Project modifications do *not* constitute a substantial change to DPV2 that involves “new significant environmental effects or a substantial increase in the severity of previously identified significant effects.” *See* Cal. Code Regs. tit. 14, § 15162(a)(1). The Commission may wish to prepare an addendum to the Final EIR/EIS to explain the proposed Project modifications as part of its consideration of this PFM. An addendum to a previously certified EIR is appropriate “if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.” *Id.* § 15164(a). An addendum need not be circulated for public review and can instead be attached to the final EIR. *Id.* § 15164(c).

An addendum should include a “brief explanation,” supported by substantial evidence, of the decision not to prepare a subsequent or supplemental EIR. *See Id.* § 15164(e). Courts often rely on an addendum to bolster their conclusion that an agency's decision not to prepare a subsequent or supplemental EIR was proper. *See, e.g., Fund for Env't'l. Defense*, 204 Cal. App. 3d at 1546 (relying on information in an addendum to determine that a supplemental EIR was not necessary). An addendum for DPV2 would help document why the proposed Project modifications do not warrant a subsequent or supplemental EIR.

IV. CONCLUSION

The FAA has identified certain DPV2 transmission line spans and transmission structures that it recommends should be marked and lit. Based on the FAA determinations received for DPV2, SCE has proposed certain Project modifications consisting of marking and lighting. The PMR demonstrates that the proposed Project modifications do not constitute a substantial change to DPV2 that involves new significant environmental effects or a substantial increase in the severity of previously identified significant effects. An addendum is therefore the appropriate mechanism for documenting CEQA compliance for the proposed Project modifications associated with this PFM. To facilitate timely completion, SCE respectfully asks the Commission to modify D.07-01-040 as requested in Attachment B.

Dated: September 5, 2012

Respectfully submitted,

ROBERT D. PONTELLE

/s/ Robert D. Pontelle

By: Robert D. Pontelle

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ATTACHMENT A
LETTER FROM THE CALIFORNIA PUBLIC UTILITIES
COMMISSION'S LEGAL DIVISION
DATED AUGUST 17, 2012

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



August 17, 2012

Ms. Suzan Benz
Environmental Project Manager
Devers-Palo Verde No. 2 Transmission Project
6 Point Drive, 1st Floor
Brea, CA 92821-6320

Re: Further Information Required in Support of DPV2-SCE Variance Requests (Preconstruction Surveys and Tarping of Vehicles); Instructions for Requesting Changes to an Approved Project

Dear Ms. Benz:

On April 10, 2012, Southern California Edison (SCE) submitted a variance request to the California Public Utilities Commission (CPUC) to authorize the extension of preconstruction survey validity by the CPUC from 14 calendar days to 30 calendar days to accommodate construction start-up delays. The variance request applies to the text of Mitigation Measures B-7b and B-7b [rev], and also applies to the text of the "Interpretation & Approach" section of the Mitigation, Monitoring, Compliance and Reporting Program (MMCRP) for Mitigation Measures B-7f, B-9a, B-9a [rev], and Applicant-Proposed Measures (APMs) B-6 and B-18.

Additionally, on August 9, 2012, SCE submitted a revised variance request to the CPUC for a modification to APM A-6 to eliminate tarping specifically for the trucks importing soil to the Devers Substation for the DPV2 Transmission Project.

Finally, based on determinations by the Federal Aviation Administration (FAA), approximately 11 spans and 12 towers for DPV2 will require hazard marker balls or red hazard lights, respectively. These components have not been previously analyzed in the DPV2 Final Environmental Impact Report/Environmental Impact Statement (EIR/EIS), Supplemental EIR or Mitigation Consistency Determination Memo.¹

The CPUC now takes this opportunity to clarify what is required prior to approval of any change to an approved project, including changes to approved mitigation measures, APMs, and project components. While the CPUC recognizes the need for flexibility post-decision in response to changed circumstances, it believes changes should be the exception to the rule, and it intends to ensure that any proposed change is subject to rigorous standards. Consequently, while some requested changes may qualify for the process as set forth in the MMCRP for minor project modifications, others may require the submittal of a Petition for Modification (PFM) pursuant to CPUC Rules of Practice & Procedure, Rule 16.4(a).

¹ In early 2012, SCE stated that it was going to submit a "refinements report" addressing the marker balls and lighting, however, this report has not been received by the CPUC to date. In the interim, the CPUC has performed an initial field reconnaissance and has identified two areas of primary concern for visual resources with the addition of marker balls (Chiriaco Summit to Hayfield Road and Snow Creek Village-Pacific Crest Trail) and one area of primary visual concern for hazard lights (Chiriaco Summit to Hayfield Road).

In order to determine what needs to be submitted and what level of CEQA review may be required, SCE must provide the CPUC with specific information. Please see below for detail on the information required from SCE in support of these requests and future requests for post-approval project changes.

In addition, and most importantly, SCE has failed to follow the clear direction in the MMRCF vis a vis what information to submit when requesting a variance. Section 4.2.2.1 clearly sets forth what is required of SCE when it submits a variance request. SCE's April 9 and 10, 2012 variance requests are lacking in information.

Information Required in Support of Requests for Post-Approval Project Changes

1. Requesting Changes to Mitigation Measures and APMs

SCE Request: On April 9 and 10, 2012, SCE submitted a variance requests, requesting extension of the validity of preconstruction surveys from 14 to 30 days under Mitigation Measures B-7b and B-7b [rev], and SCE's Variance Request (dated August 9, 2012) for elimination of the requirement under APM A-6 to cover bottom dump trucks at Devers Substation.

SCE Submittal Required: PFM

Environmental Review Required: Subsequent/Supplemental EIR, Subsequent/Supplemental Negative Declaration, or Addendum

Discussion: The CPUC has determined that revisions to the text of Mitigation Measures B-7b and B-7b [rev] and to the text of APM A-6 would require a PFM. Approval of a PFM is discretionary, and therefore, requires further environmental review under CEQA. If substantial evidence supports a conclusion that SCE's proposed revisions would not result in a new or substantially more severe environmental impact, the CPUC may prepare an addendum. (CEQA Guidelines § 15164.) If the proposed revisions would result in a new or substantially more severe impact, a subsequent or supplemental EIR would be required. (CEQA Guidelines § 15162.)²

Required Information: To help decide what level of CEQA review would be required for a change to a mitigation measure or APM, SCE must submit the following information to the CPUC in its PFM:

- A detailed description of the proposed change and the reason for the change, including a figure as applicable.
- A detailed description of existing conditions in the area.

² A change to an approved mitigation measure or APM requires additional environmental review. (*Napa Citizens for Honest Government v. Napa County Bd. Of Supervisors* (2001) 91 Cal.App.4th 342, 358-359.) The form of that CEQA review depends on whether the modification will result in a new significant effect or a substantial increase in the severity of a previously identified significant effect. (CEQA Guidelines § 15162.) If it will, a subsequent or supplemental EIR (or negative declaration/MND, if applicable) must be prepared. If not, an addendum may be prepared. (CEQA Guidelines § 15164.)

- Evidence demonstrating that the change(s) will not result in any new or substantially more severe environmental impacts. This evidence may focus on the resource areas likely to be affected by the proposed change.
- Evidence demonstrating that the mitigation measure, as revised, will not itself cause any potentially significant impacts.
- Evidence demonstrating infeasibility of the existing mitigation measure or APM pursuant to CEQA. To the extent SCE claims that an approved mitigation measure or APM is infeasible, it must explain why it cannot perform the measure as adopted, and provide evidence in support of this claim. Under CEQA, feasible means “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.” (CEQA Guidelines § 15364.)

2. Requesting Changes to Project Components Not Analyzed in Applicable Commission Decision and CEQA Document(s)

This discussion relates to the FAA’s requirement for tower lighting and marker balls along DPV2, which were not analyzed in accordance with CEQA in previous DPV2 environmental documents.

SCE Submittal Required: PFM

Environmental Review Required: Subsequent/Supplemental EIR, Subsequent/Supplemental Negative Declaration or Addendum

Discussion: A requested change to a project component may require additional CEQA review. The form of that review depends on whether the modification will result in a new significant effect or a substantial increase in the severity of a previously identified significant effect. (CEQA Guidelines § 15162.) If it will, a subsequent or supplemental EIR (or negative declaration/MND, if applicable) must be prepared. If not, an addendum may be prepared. (CEQA Guidelines § 15164.)

Required Information: To facilitate CPUC in reaching a conclusion as to what level of CEQA review would be required for a change to a project component, SCE must submit the following information to the CPUC in a PFM:

- A detailed description of the proposed change and the reason for the change, including figure(s) as applicable.
- A detailed description of existing conditions in the area.
- Evidence demonstrating that the change(s) will not result in any new or substantially more severe environmental impacts. This evidence may focus on the resource areas likely to be affected by the proposed change.
- If applicable, evidence from the Final EIR showing that the change has already been evaluated, and, therefore, that it would not result in any new or substantially more severe environmental impacts.

3. Requesting Changes to Text of "Interpretation & Approach" Section of MMCRP

The "Interpretation & Approach" section of the MMCRP reflects the CPUC's interpretation of previously adopted mitigation measures. If, pursuant to SCE's PFM, SCE's request is authorized, the language relating to the mitigation measure/APM will be changed accordingly.

Please contact me if you have any questions or concerns.

Sincerely,

/s/ Nicholas Sher

Nicholas Sher
CPUC Legal Division

cc: Billie Blanchard, California Public Utilities Commission
Mary Jo Borak, California Public Utilities Commission
Molly Sterkel, California Public Utilities Commission
Edward Randolph, California Public Utilities Commission
Arocles Aguilar, California Public Utilities Commission
Jack Horne, Southern California Edison
Kelly Pell, Southern California Edison
Vida Strong, Aspen Environmental Group
Hedy Koczwar, Aspen Environmental Group
Jamison Miner, Aspen Environmental Group
Rosina Goodman, Aspen Environmental Group
Ryann Loomis, Aspen Environmental Group
Nicole Gordon, Sohagi Law Group
Alison Krumbein, Sohagi Law Group

ATTACHMENT B

**REQUESTED CHANGES TO THE FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS IN DECISION 07-01-040**

**ATTACHMENT B:
REQUESTED CHANGES TO THE FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS IN DECISION 07-01-040**

SCE requests the following changes to the findings of fact, conclusions of law, and ordering paragraphs in Decision 07-01-040 (D.07-01-040), as modified by Decision D.09-11-007 (D.09-11-007), consistent with Commission Rule of Practice and Procedure 16.4(b). Requested revisions to existing text are in strikethrough (for deletions) and underline (for additions):

- **Revise Section VI.C. “Adequacy and Certification of the Final EIR/EIS” (D.07-01-040 at 96):**
 - “We have considered the information in the Final EIR/EIS and Addendum to the Final EIR/EIS in approving the DPV2 project as described in this decision.”
- **Revise Section VII.A. “Authorized DPV2 Project” (D.07-01-040 at 97):**
 - “Attachment B and Attachment D presents the findings required by CEQA Guidelines Section 15091, describing each significant and potentially significant impact identified in the Final EIR/EIS and Addendum to the Final EIR/EIS, the relevant mitigation measures, and the findings of the Commission with respect to each impact.”⁶
- **Revise Finding of Fact 20 (D.07-01-040 at 106):**
 - “A comprehensive record on environmental matters was developed in this proceeding through issuance of a draft EIR/EIS, consultation with public agencies and others, and public hearings. All are elements in the environmental process, which culminated in the issuance of the Final EIR/EIS and the Addendum to the Final EIR/EIS.”

⁶ SCE requests that, should the Commission approve this PFM, the Commission set forth any revisions and additions to D.07-01-040 (including revised or added CEQA findings) in an attachment to the decision on this PFM in a manner similar to Attachment 1 of D.09-11-007.

- **Revise Finding of Fact 27 (D.07-01-040 at 106):**
 - “The Commission has reviewed and considered the information in the Final EIR/EIS and Addendum to the Final EIR/EIS before approving the project.”
- **Add Five (5) New Findings of Fact After Finding of Fact 46 (D.09-11-007, Attachment 1, at 3):**
 - “In a letter dated August 17, 2012, the Commission’s Legal Division informed SCE that a Petition for Modification (PFM) for DPV2 would have to be submitted to address the project modifications that SCE has proposed in response to recommendations by the Federal Aviation Administration. SCE filed such a PFM on September 5, 2012.”
 - “The Commission prepared an Addendum to the Final EIR/EIS that was issued on [date].”
 - “The Addendum to the Final EIR/EIS was completed in accordance with CEQA.”
 - “The Addendum to the Final EIR/EIS was presented to the Commission, and the Commission has received, reviewed and considered the information contained in the Addendum to the Final EIR/EIS.”
 - “The Addendum to the Final EIR/EIS reflects the Commission’s independent judgment and analysis.”
 - “The Addendum to the Final EIR/EIS documents that the proposed project modifications described in SCE’s September 5, 2012 PFM do not change any of the determinations in the Final EIR/EIS. Specifically, the proposed project modifications do not result in any new significant environmental effects or a substantial increase in the severity of previously identified significant effects.”

For ease of reference, SCE has utilized the term “Attachment D” to designate such a

- **Revise Conclusion of Law 22 (D.07-01-040 at 111):**
 - “The findings required by CEQA Guidelines Section 15091, as contained in Attachment B and Attachment D to this decision, accurately reflect the Commission’s independent analysis contained in the Final EIR/EIS and Addendum to the Final EIR/EIS, are complete, are supported by substantial evidence in the administrative record, should be incorporated into the record of this proceeding and should be adopted.”
- **Revise Conclusion of Law 29 (D.09-11-007, Attachment 1, at 6):**
 - “The California-only Project remains substantially the same as what was studied in the Final EIR/EIS, with the only modifications being those related to FAA marking and lighting, as described in SCE’s PFM dated September 5, 2012.”
- **Add Two (2) New Conclusions of Law after Conclusion of Law 33 (D.09-11-007, Attachment 1, at 7):**
 - “The Addendum to the Final EIR/EIS has been completed in compliance with CEQA and should be incorporated into the record of this proceeding and adopted.”
 - “SCE’s PFM dated September 5, 2012, satisfies the requirements of Commission Rule of Practice and Procedure 16.4.”
- **Revise Ordering Paragraph 2 (Revisions made to text as edited in D. 09-11-007, Attachment 1, at 7):**
 - Southern California Edison Company (SCE) shall, as a condition of the Certificate of Public Convenience and Necessity, build the Devers-Palo Verde 2 project in accordance with the route set forth in Conclusion of Law No. 8, as modified in response to SCE’s

document, because D.07-01-040 currently has only Attachments A-C.

May 14, 2008 Petition for Modification and as modified in response to SCE's September 5, 2012 PFM."

- **Revise Ordering Paragraph 23 (D.07-01-040 at 118):**
 - The findings required by California Environmental Quality Act (CEQA) Guidelines Section 15091, as contained in Attachment B and Attachment D to this decision, accurately reflect the Commission's independent analysis contained in the Final EIR/EIS and Addendum to the Final EIR/EIS, are complete, are supported by substantial evidence in the administrative record, are incorporated into the record of this proceeding and are adopted.

- **Add Three (3) New Ordering Paragraphs After Ordering Paragraph 34 (D. 09-11-007, Attachment 1, at 10):**
 - "The Addendum to the Final EIR/EIS is incorporated in the record of this proceeding."
 - "The documents that constitute the Addendum to the Final EIR/EIS are received as Reference Exhibits on the effective date of this decision, as follows:
 - (a) Addendum to the Final EIR/EIS; and
 - (b) *Devers-Palo Verde No. 2 Transmission Line Project, Project Modification Report for Federal Aviation Administration Determinations, dated July 2012.*
 - "SCE shall install marker balls on certain transmission line spans and lights on certain transmission structures for DPV2, in response to the Federal Aviation Administration's determinations."

- “D.07-01-040 is modified as shown in Attachment D. All other language in D.07-01-040 (as previously modified by D.09-11-007) shall be read and understood to conform to those modifications.”

ATTACHMENT C

DECLARATION OF MALCOLM ANDERSON

ATTACHMENT C:

DECLARATION OF MALCOLM ANDERSON

I, Malcolm Anderson, declare as follows:

1. I, Malcolm Anderson, am the Project Manager for the Devers-Palo Verde No. 2 Transmission Line (DPV2) in the Major Projects Organization at Southern California Edison Company (SCE). In that role, I am responsible for, among other things, overseeing administrative processes and development of the DPV2 project. The document titled *Devers-Palo Verde No. 2 Transmission Line Project, Project Modification Report for Federal Aviation Administration Determinations*, was prepared under my supervision. If called as a witness, I could and would competently testify thereto.

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

Executed August 30, 2012, at Brea, California.

/s/ Malcolm Anderson
By: Malcolm Anderson

ATTACHMENT D

***DEVERS-PALO VERDE NO. 2 TRANSMISSION LINE PROJECT, PROJECT
MODIFICATION REPORT FOR FEDERAL AVIATION ADMINISTRATION
DETERMINATIONS***