

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA



**FILED**

10-10-16  
04:59 PM

In the Matter of the Application of  
SOUTHERN CALIFORNIA EDISON  
COMPANY (U338E) for a Permit to  
Construct Electrical Facilities With  
Voltages Between 50 kV and 200 kV:  
Moorpark-Newbury 66 kV  
Subtransmission Line Project

Application 13-10-021  
(Filed October 28, 2013)

**RESPONSE OF THE OFFICE OF RATEPAYER ADVOCATES TO THE  
CENTER FOR BIOLOGICAL DIVERSITY AND CITIZEN INTERVENORS'  
JOINT APPLICATION FOR REHEARING OF D.16-08-002**

Pursuant to Rule 16.1(d) of the Rules of Practice and Procedure of the California Public Utilities Commission (Commission), the Office of Ratepayer Advocates (ORA) files a response to the application for rehearing (AFR) filed on September 26, 2016 by the Center for Biological Diversity, Citizen Intervenors Alan and Peggy Ludington, Environmental and Regulatory Specialists, Inc., Santa Rosa Valley Estates Homeowners Association, Krista and Phillip Pederson, Cheryl M. and Herbert T. Potter, James Porter, and Donald and Therese Walker (applicants) of Decision 16-08-002 approving the Application of Southern California Edison Company (SCE) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV: Moorpark-Newbury 66 kV Subtransmission Line Project (D.16-08-022 or the "Decision"). This response is timely as it is filed within 15 days after the application for rehearing was filed.

The application alleges the Commission violated the California Environmental Quality Act (CEQA) and also raises questions about ORA's independence from the Commission:

In this case ORA submitted a forceful protest against approval of this Project. Strangely, without even informing the ALJ or Assigned Commissioner, ORA was not present at the prehearing conference. Shortly thereafter, one of the drafters of the ORA protest, Connie Chen apparently left the ORA and took a job in the Energy Division of the PUC. While ORA never withdrew as a party, it did not further participate in the proceedings.<sup>1</sup>

ORA goes on record with this response to strongly disagree with unfounded insinuations raised by applicants as to ORA's independence from the Commission. ORA takes seriously its mission of independently representing ratepayers. While not wanting to give such allegations more weight than they deserve by responding, ORA cannot let go unanswered the charge that its decision not to participate further in this case was in any way inappropriate or raises questions about its independence from the Commission.

ORA filed a protest to A.13-10-021 in November 2013, raising several cost issues, including whether SCE had met its burden to justify the project's costs, which would be included in rates. Subsequently, the Draft Environmental Impact Report (DEIR) was published on June 11, 2015. A review of the issues in the DEIR made clear that the cost issues raised in ORA's protest would not be considered by the Commission. For this reason, ORA did not participate further in the proceeding, other than to monitor it. The Scoping Memo issued November 13, 2015, also did not include the cost issues identified by ORA in the list of issues scoped for the proceeding. There is nothing inappropriate or questionable about ORA's decision not to participate further in the proceeding considering its issues were not included in either the DEIR or the scoping memo.

Moreover, given the application of General Order (GO) 131-D to A.13-10-021, there was no basis for ORA to challenge the Scoping Memo. The General Order

---

<sup>1</sup> AFR, p. 29.

provides, in part, that applications for a permit to construct are not required to include information about need or costs:

The above information requirements notwithstanding, an application for a permit to construct need not include either a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods beyond that required for CEQA compliance.<sup>2</sup>

Thus, there was no basis for claiming that the scoping memo had erred in not including ORA's issues.

Respectfully submitted,

/s/ MARY MCKENZIE

---

Mary Mckenzie

Acting Chief Counsel for the  
Office of Ratepayer Advocates

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102  
Phone: (415) 703-3250  
Email: [Mary.Mckenzie@cpuc.ca.gov](mailto:Mary.Mckenzie@cpuc.ca.gov)

October 10, 2016

---

<sup>2</sup> G.O. Order 131-D, section IX.B.1.f.