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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Substation Facilities with Voltage over 50 kV: Mesa 500 kV Substation Project.

Application 15-03-003  
(Filed March 13, 2015)

**SCOPING MEMO AND RULING OF ASSIGNED COMMISSIONER**

**Summary**

Pursuant to Rule 7.3 of the Commission’s Rules of Practice and Procedure (Rules),<sup>1</sup> this Scoping Memo and Ruling sets forth the procedural schedule, assigns the presiding officer, and addresses the scope of this proceeding and other procedural matters following the prehearing conference (PHC) held on November 4, 2016.

**1. Background**

On March 13, 2015, Southern California Edison (SCE) filed Application (A.) 15-03-003, seeking a permit to construct (PTC) the Mesa 500 kV Substation Project (Proposed Project). The application appeared on the Commission’s Daily calendar on March 18, 2015.

The Office of Ratepayers Advocates (ORA) filed a protest on April 16, 2015. California Independent System Operator (CAISO) filed a motion for party status on July 28, 2016. Bay Area Municipal Transmission Group (BAMx) filed a

<sup>1</sup> All references to rules are to the Commission’s Rules of Practice and Procedure, which are available on the Commission’s website at <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M164/K610/164610801.PDF>.

motion for party status on October 27, 2016. Both motions for party status were granted by the assigned ALJ.<sup>2</sup>

The Draft Environmental Impact Report or DEIR was issued on April 29, 2016. The Final Environmental Impact Report or EIR was issued on October 7, 2016.

## **2. Category, Need for Hearings, and *Ex Parte* Rules**

The Commission preliminarily categorized this Application as ratesetting as defined in Rule 1.3(e) and anticipated that this proceeding would require evidentiary hearings. The parties did not oppose the Commission's preliminary categorization or need for hearing. This ruling affirms the preliminary categorization of ratesetting and the need for hearings. This ruling as to category is appealable pursuant to Rule 7.6.

As noted in the schedule below and in accordance with Rule 7.3(a), today's scoping memo adopts a procedural schedule that includes hearings. In a ratesetting proceeding, *ex parte* rules as set forth in Rules 8.1 through 8.5 and Public Utilities (Pub. Util.) Code Section 1701.3(c) apply.

## **3. Discovery**

If parties have discovery disputes they are unable to resolve by meeting and conferring, they should raise these disputes with the presiding officer, pursuant to Rule 11.3.

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<sup>2</sup> Although BAMx was granted party status, BAMx failed to appear at the PHC that was conducted on November 4, 2016.

#### **4. Scope of Proceeding**

Through the Application, protest, and discussions during the PHC, parties conducted an exchange that has helped to refine the scope of the Application.

The scope of this proceeding includes the following:

1. What are the significant adverse environmental impacts of the proposed project?
2. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?
3. As between the proposed project and the project alternatives, which is environmentally superior?
4. Are the mitigation measures and/or environmentally superior project alternatives infeasible?
5. To the extent that the proposed project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
6. Was the EIR completed in compliance with CEQA; did the Commission review and consider the EIR prior to approving the project or a project alternative; and does the EIR reflect the Commission's independent judgment?
7. If the Proposed Project is delayed past the 2020 timeframe, are there additional mitigation measures that may be required to maintain electrical reliability in Southern California?
8. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of electromagnetic fields (EMF) effects using low-cost and no-cost measures?
9. Are there any safety issues pursuant to Pub. Util. Code Section 451?

The parties, in their opening and rebuttal testimony, should address any issues within the scope of this proceeding on which factual information may be helpful to explain or support their positions.

**5. Proceeding Schedule**

With the above in mind, and based on SCE’s application, protest, and discussion at the PHC, the following schedule shall be adopted for this proceeding:

EVENT	DATE
<b>ORA/Intervenor Testimony Served</b>	November 18, 2016
<b>Concurrent Rebuttal Testimony Served</b>	November 30, 2016
<b>Parties inform the Administrative Law Judge (ALJ) via-email whether hearings are necessary and provide ALJ with Witness Lists and Cross-Examination Estimates</b>	December 7, 2016
<b>Evidentiary Hearings (if needed)</b>	December 9, 2016 at 10:00 a.m. Commission Courtroom State Office Building at 505 Van Ness Avenue San Francisco, CA 94102
<b>Concurrent Opening Briefs Filed and Served</b>	December 21, 2016
<b>Concurrent Reply Briefs Filed and Served</b>	December 28, 2016
<b>Proposed Decision Issued</b>	January 20, 2017

EVENT	DATE
<b>Comments on Proposed Decision<sup>3</sup></b>	January 27, 2017
<b>Reply Comments on Proposed Decision</b>	January 31, 2017
<b>Proposed Decision on Commission Agenda</b>	February 9, 2017

This schedule may be altered by myself or the Administrative Law Judge (ALJ). In any event, it is anticipated that this proceeding should conclude within 18 months of the date of this scoping memo. If there are any workshops in this proceeding, notices of such workshops will be posted on the Commission's Daily Calendar to inform the public that a decision-maker or an advisor may be present at those meetings or workshops. Parties shall check the Daily Calendar regularly for such notices.

The proceeding will stand submitted for decision by the Commission upon the filing of reply briefs..

## **6. Final Oral Argument**

Pursuant to Rule 13.13, any requests for a final oral argument before the Commission must be filed and served at the same time as closing briefs.

## **7. Intervenor Compensation**

The PHC in this matter was held on November 4, 2016. Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by December 4, 2016.

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<sup>3</sup> Pursuant to Rule 14.6(b), the parties present at the PHC stipulated to a reduced comment period on the Proposed Decision.

**8. Presiding Officer**

Pursuant to Rule 13.2, I designate ALJ Gerald F. Kelly as the Presiding Officer. Either I or the Presiding Officer may amend the scope and schedule set out herein.

**9. Filing, Service, and Service List**

In this proceeding, there are several different types of documents participants may prepare. Each type of document carries with it different obligations with respect to filing and service.

Parties must file certain documents as required by the Commission Rules or in response to rulings by either the assigned ALJ or myself. All formally filed documents must be filed with the Commission's Docket Office and served on the service list for the proceeding. Article 1 of the Rules contains all of the Commission's filing requirements. Parties must file and serve all pleadings and serve all testimony, as set forth in Article 1 of the Commission's Rules. Parties are encouraged to file and serve electronically, whenever possible, as it speeds processing of the filings and allows them to be posted on the Commission's website. More information about electronic filing is available at [www.cpuc.ca.gov/efile](http://www.cpuc.ca.gov/efile).

This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This Rule provides for electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is

required. Parties are expected to provide paper copies of served documents upon request.

E-mail communication about this case should include, at a minimum, the following information on the subject line of the e-mail: *A.15-03-003 SCE's Permit to Construct the Mesa Project*. In addition, the party sending the e-mail should briefly describe the attached communication; for example, *Comments*. Both an electronic and a hard copy should be served on the ALJ.

The official service list for this proceeding (the list) is available on the Commission's web page at:

[https://ia.cpuc.ca.gov/servicelists/A1503003\\_82932.htm](https://ia.cpuc.ca.gov/servicelists/A1503003_82932.htm). Parties should confirm that their information on the service list is correct, and serve notice of any errors on the Commission's Process Office. Prior to serving any document, each party must ensure that it is using the most up-to-date service list. The list on the Commission's website meets that definition.

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or who has questions about the electronic filing procedures should contact the Commission's Public Advisor at (866) 849-8390 or (415) 703-2074, or (866) 836-7825 (TTY-toll free), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

**IT IS RULED that:**

1. The scope and schedule are as set forth in the body of this ruling unless amended by a subsequent ruling of the assigned Commissioner or Presiding Officer.
2. This proceeding is categorized as ratesetting. This ruling as to category is appealable pursuant to Rule 7.6 Commission's Rules of Practice and Procedure.
3. This proceeding requires evidentiary hearings.

4. Any party requesting a final oral argument before the Commission shall file and serve such request on the same date that opening briefs are due.

5. *Ex parte* communications are subject to Rules 8.1 through 8.5 of the Commission's Rules of Practice and Procedure and Public Utilities Code Section 1701.3(c).

6. Pursuant to Rule 13.2 of the Commission's Rules of Practice and Procedure, Administrative Law Judge Gerald F. Kelly is the Presiding Officer.

Dated November 14, 2016, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph  
Assigned Commissioner