

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4540
September 13, 2012**

R E S O L U T I O N

Resolution E-4540: Southern California Edison (SCE) requests authority to enter into an easement agreement.

PROPOSED OUTCOME: This Resolution adopts the findings and conclusions in the City of Chino's Final Program Environmental Impact Report (FEIR) and certifying Resolution No. 2004-079 pursuant to the California Environmental Quality Act and approves SCE Advice Letter 2612-E seeking authority to enter into an easement agreement with the City of Chino, California.

ESTIMATED COST: NONE

By Advice Letter 2612-E filed on August 3, 2011

SUMMARY

Southern California Edison submitted Advice Letter (AL) 2612-E seeking approval under Public Utilities (PU) Code Section 851 to grant the City of Chino an easement agreement to construct road-way improvements on SCE property associated with the College Park development in the City of Chino, California. This Resolution adopts the findings and conclusions, mitigation measures, and Statement of Overriding Considerations in the City of Chino's Final Program Environmental Impact Report, pursuant to the California Environmental Quality Act (CEQA)¹, and approves SCE Advice Letter 2612-E.

¹ Section 21000 et seq. of the California Public Resources Code [PRC] and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations [14 CCR 15000 et seq].

BACKGROUND

SCE owns land, buildings and other facilities in connection with the provision of electric service to its customers throughout southern and central California. The City of Chino has prepared a number of environmental documents related to the College Park development project (project), which is a 710-acre master planned community development. CEQA review of the project identified several potential environmental impacts including negative impacts to traffic and transportation. As part of the project and required mitigation plan, the City will construct road-widening improvements along Oaks Avenue, including on a portion of adjacent SCE-owned property. The proposed road-widening is necessary for improved traffic circulation and public access around the new development's facilities.

SCE asserts that this easement agreement will not interfere with their ability to provide utility services and is not adverse to the public interest. Advice Letter 2612-E was appropriately filed pursuant to a pilot program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).

The CPUC's decision to grant or deny the relief sought in AL 2612-E requires Commission review and adoption of the analysis and conclusions of the City of Chino's Final Program Environmental Impact Report, issued for public comment from July 8 – August 21, 2003, and certified by the City of Chino on August 17, 2004. In its review, conducted pursuant to the California Environmental Quality Act, the City acted as Lead Agency and concluded that the proposed project, and all activities associated with it, had impacts that were neither avoided nor completely reduced by mitigation measures. The City concluded, however, that the project provided public benefits which warranted a Statement of Overriding Considerations for those impacts that remained significant after mitigation. Such a review and adoption by the Commission is a discretionary decision pursuant to CEQA, and the CPUC will act as a Responsible Agency for compliance with CEQA. This Resolution adopts the conclusions, findings, mitigation measures, and Statement of Overriding Considerations in the City of Chino's FEIR, in accordance with the CEQA Guidelines and the Public Resources Code, and approves the easement agreement between SCE and the City of Chino.

NOTICE

SCE filed Advice Letter 2612-E on August 3, 2011. In accordance with General Order 96-B, Section IV, a copy of this Advice Letter was served on the Advice Filing List, Commission staff, and the City of Chino.

PROTESTS

Protests to Advice Letter 2612-E were due no later than August 24, 2011. No protests were received.

DISCUSSION

CEQA requires the Commission to consider the environmental consequences of its discretionary decisions. Pursuant to CEQA and Rule 2.4 of the Commission's Rules of Practice and Procedure, the Commission examines projects to determine any potential environmental impacts in order that adverse effects are avoided and environmental quality is restored or enhanced to the fullest extent possible under CEQA. In this instance, the Commission is the Responsible Agency under CEQA with respect to the environmental review of the College Park project and the FEIR underlying the easement agreement with SCE. The Commission, as a Responsible Agency, must adopt the City of Chino's findings, conclusions and mitigation measures as set out in the City's Final Program Environmental Impact Report and Resolution No. 2004-079.

A Final Program Environmental Impact Report was prepared by the City of Chino pursuant to CEQA that evaluated potential environmental impacts of the project. Potentially significant impacts to several resource areas were identified in the DEIR; mitigation measures were developed to avoid or reduce the significance of the potential impacts; and a Final EIR was prepared as the appropriate environmental document for this project. The FEIR was circulated to various governmental agencies and departments for comment during the public review period from July 8 – August 21, 2003.

The City's FEIR examined the project, including all associated activities and all related impacts; made findings and conclusions; and developed avoidance or mitigation measures for each potentially significant impact. Environmental protection measures to protect sensitive environmental resources were incorporated into the project and were made conditions of project approval by

the City. Based on this evaluation, the City's FEIR concluded that not all impacts of the project could be reduced to less-than-significant levels, and a Statement of Overriding Considerations was prepared. On August 17, 2004, the City of Chino adopted the findings, conclusions, and mitigation measures of the FEIR in Resolution No. 2004-079, and further found that a Statement of Overriding Considerations was appropriate given the public benefits of the project.

This Commission has reviewed the City's FEIR as part of our consideration of whether they have complied with CEQA. Based on that review, we find that the City's FEIR with findings, conclusions and mitigation measures represents our independent judgment regarding the environmental impact of the proposed project. Therefore, we will adopt the FEIR's findings, conclusions, mitigation measures, and Statement of Overriding Considerations for the proposed project pursuant to and in compliance with CEQA.

COMMENTS

Public Utilities Code Section 311(g)(1) requires that Draft Resolutions be served on all parties and subject to at least 30 days public review and comment prior to a vote of the Commission. Public Utilities Code section 311(g)(2) and Rule 14.6(c)(2) both provide that the 30-day comment period may be waived "...for an uncontested matter in which the decision grants the relief requested." Therefore pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

FINDINGS

1. The City of Chino acted as the Lead Agency pursuant to CEQA for the environmental review of the College Park proposed project.
2. The City of Chino issued a Draft Program Environmental Impact Report for public comment between July 8 – August 21, 2003.
3. The City of Chino's Draft EIR examined the project in detail, including the portions affecting SCE property, and all related impacts.
4. The City of Chino's Draft EIR concluded that not all impacts of the project could be reduced to less-than-significant levels, and the City prepared a Statement of Overriding Considerations.
5. On August 17, 2004, the City certified the Final EIR for the project in Resolution No. 2004-079.

6. The City of Chino also adopted the findings, conclusions and mitigation measures contained in the FEIR, as well as the Statement of Overriding Considerations.
7. Southern California Edison submitted Advice Letter 2612-E on August 3, 2011, seeking authority pursuant to PU Code section 851 to enter into an easement agreement with the City of Chino.
8. SCE appropriately filed Advice Letter 2612-E pursuant to a pilot program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code section 851 application (Resolution ALJ-244).
9. SCE served all required parties in accordance with General Order 96-B, Section IV.
10. Protests to Advice Letter 2612-E were due no later than August 24, 2011, and no protests were received.
11. This agreement would allow the City of Chino to construct certain road-widening improvements identified as mitigation in the City of Chino FEIR, and outlined in the easement agreement, on a portion of SCE-owned property.
12. The CPUC's decision to grant or deny the relief sought in AL 2612-E requires Commission review and adoption of the analysis and conclusions of the Final Program Environmental Impact Report -- including the findings, conclusions, and mitigation measures identified therein -- as adopted by the City of Chino on August 17, 2004.
13. The CPUC will act as a Responsible Agency for compliance with CEQA with respect to the environmental review of the City of Chino's College Park project underlying the easement agreement with SCE.
14. We have reviewed and considered the City of Chino's FEIR prior to adopting the findings, conclusions, and mitigation measures therein.
15. We find that the findings and conclusions in the City of Chino's Program FEIR reflect our independent judgment.
16. We conclude that the City of Chino's Final Program Environmental Impact Report is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
17. The City of Chino's Final Program Environmental Impact Report should be adopted by the Commission as adequate for our decision-making purposes pursuant to CEQA.
18. Pursuant to PU Code section 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

THEREFORE IT IS ORDERED THAT:

1. The City of Chino's Final Program Environmental Impact Report for the proposed College Park project is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.
2. The easement agreement presented in Advice Letter 2612-E between Southern California Edison and the City of Chino to facilitate the road-widening of Oaks Avenue adjacent to SCE property is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on September 13, 2012, the following Commissioners voting favorably thereon:

/s/ Paul Clanon
Paul Clanon
Executive Director

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners