Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In The Matter of the Application of San Diego Gas & Electric Company (U902E) for a Permit to Construct The Mira Sorrento Substation Project.	Application 11-10-015 (Filed October 14, 2011)

DECISION GRANTING SAN DIEGO GAS & ELECTRIC COMPANY A PERMIT TO CONSTRUCT THE MIRA SORRENTO SUBSTATION PROJECT

1. Summary

This decision grants San Diego Gas & Electric Company a permit to construct the Mira Sorrento Substation Project. This proceeding is closed.

2. Proposed Project

The Mira Sorrento Substation Project includes a new 120 megavolt ampere, 69/12-kilovolt (kV) distribution substation within the Sorrento Mesa area of the City of San Diego. Power would be supplied to the new substation by an existing 69 kV transmission line that would require installation of underground transmission facilities off the substation site.

In providing electrical power services to this area, San Diego Gas & Electric Company (SDG&E) currently operates four substations, referred to as the Eastgate Substation, Mesa Rim Substation, Genesee Substation, and Torrey Pines Substation. All four of these substations are currently operating at their maximum transformer configuration. The proposed project would provide additional capacity to serve existing area load as well as future area load growth, which SDG&E forecasts to be 65 megawatts (MW) within the next 20 years.

The proposed project site is located in the Sorrento Mesa subarea that is designated as an industrial park area to accommodate research and development, office, and manufacturing uses. The closest residences to the proposed project site are located approximately 800 feet north of the site.

3. Procedural Background

SDG&E filed this application on October 14, 2011. On November 8, 2011, SDG&E filed a Compliance Filing including a declaration of advertising, posting, and mailing to affected governmental bodies and property owners giving notice of the application, as required by General Order (GO) 131-D, Section XI.A. No protests were filed.

On June 13 2012, the Commission's Energy Division circulated a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the project to 704 agencies, tribes, elected officials, organizations, residents, and other interested persons and entities, and released the draft MND/Initial Study (IS) for a 30-day public review and comment period. The NOI gave notice of a public meeting to be held on June 27, 2012, to take public comment on the project. The public meeting and the availability of the draft MND/IS were also announced in the local newspaper.

Written comments were received from four public agencies, one individual, and SDG&E raising concerns and requests for further information regarding the number of people on the parcel site at a given time, structural heights, noise and visual impacts, potential new circuits crossing the highway, traffic mitigation, degradation of existing visual character and quality of the site, potential impacts on riparian habitat, potential disruption of archeological resources and human remains, impacts to hydrology and water quality, and the transport, use, and disposal of hazardous materials.

Energy Division issued the Final MND/IS on October 14, 2011.[1] Although a few revisions were made to clarify and revise certain mitigation measures described in the draft MND/IS, the Final MND/IS does not identify any new significant environmental impacts, and does not omit any existing mitigation measures, from those identified in the draft MND/IS.

4. Scope of Issues

Pursuant to GO 131-D, in order to issue a permit to construct, the Commission must find that the project complies with the California Environmental Quality Act (CEQA). CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project alternative. If the initial study shows that there is no substantial evidence that the proposed project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a negative declaration or MND, subject to public notice and the opportunity for the public review and comment. (CEQA Guidelines §§ 15070-15073.)

[1] The Final MND/IS is hereby identified as reference Exhibit A and received into the record of this proceeding.

CEQA requires that, prior to approving the project or a project alternative, the lead agency consider the MND along with any comments received during the public review process, and that the lead agency adopt the MND only if it finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15074(a)-(b).)

If the lead agency adopts an MND, CEQA requires that it also adopt a program for monitoring or reporting on the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines §§ 15074(d).)

In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

As described previously, the Energy Division has prepared a Final MND/IS for the proposed project. Accordingly, the issues to be determined in this proceeding are:

1. Is there substantial evidence that, with the incorporation of mitigation measures identified in the Mitigation Implementation and Monitoring Plan included in the Final MND/IS, all project-related environmental impacts can be reduced to less than significant levels?

2. Was the Final MND/IS completed in compliance with CEQA, did the Commission review and consider the Final MND/IS prior to approving the project, and does the Final MND/IS reflect the Commission's independent judgment and analysis?

3. Is the proposed project designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

5. Environmental Impacts

The proposed project will have either no significant impacts or less than significant impacts with respect to aesthetics, agricultural resources, air quality and greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems.

The proposed project has potentially significant impacts with respect to biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and transportation and traffic. With the implementation of the mitigation measures identified in the Mitigation Implementation and Monitoring Plan included in the Final MND/IS, they will be reduced to less than significant levels.

6. EMF

The Commission has examined EMF impacts in several previous proceedings.[2] We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does

[2] *See* D.06-01-042 and D.93-11-013.

not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A, that all requests for a permit to construct include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the Proposed Project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is four percent of the total budgeted project cost that results in an EMF reduction of at least 15 percent (as measured at the edge of the utility right-of-way).

The proposed project involves looping the existing overhead transmission line into the new Mira Sorrento Substation by installing a single circuit underground duct bank and reconductoring the overhead transmission line. SDG&E assessed alternative pole-head configurations and phase re-arrangement for the overhead and underground facilities. The configuration of the new steel pole-heads for the overhead transmission line provides optimum magnetic field reduction. Because the underground transmission circuit is a single circuit with no other transmission circuits within the right of way, there are no alternative phase arrangements to be considered. This design complies with SDG&E's EMF Design Guidelines prepared in accordance with the Commission's EMF decisions D.93-11-013 and D.06-01-042.

7. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

8. Category and Need for Hearing

This proceeding was preliminarily categorized as ratesetting, and it was preliminarily determined that hearings were needed. (Resolution ALJ 176-3283.) We confirm the Commission's preliminary determination as to category. Because no protests or responses were filed and no appearances were made at the prehearing conference, other than the applicant, we conclude that hearings are not needed.

9. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Hallie Yacknin is the assigned ALJ in this proceeding.

Findings of Fact

1. The proposed project will have either no significant impacts or less than significant impacts with respect to aesthetics, agricultural resources, air quality and greenhouse gas emissions, land use and planning, mineral resources, population and housing, public services, recreation, and utilities and service systems.

2. With the implementation of the mitigation measures identified in the Mitigation Implementation and Monitoring Plan identified in the MND and attached to this order, potentially significant impacts on with respect to biological resources, cultural resources, geology and soils, hazards and hazardous

materials, hydrology and water quality, noise, and transportation and traffic will be reduced to less than significant levels.

3. The proposed project is designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures.

4. The Final MND/IS was completed in compliance with CEQA.

5. The Commission has reviewed and considered the information contained in the Final MND/IS.

6. The Final MND/IS reflects the Commission's independent judgment and analysis.

Conclusions of Law

1. SDG&E should be granted a permit to construct the Mira Sorrento Substation project in conformance with the Mitigation Implementation and Monitoring Plan attached to this order.

2. The proceeding should be categorized as ratesetting.

3. Hearings are not needed.

4. This proceeding should be closed.

5. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. San Diego Gas & Electric Company is granted a permit to construct the Mira Sorrento Substation project in conformance with the Mitigation Implementation and Monitoring Plan attached to this order.

2. The Mitigation Implementation and Monitoring Plan, included as part of the Final Mitigated Negative Declaration/Initial Study and attached to this order, is adopted.

3. Application 11-10-015 is categorized as ratesetting.

4. Hearings are not needed.

5. Application 11-10-015 is closed.

This order is effective today.

Dated _____, at San Francisco, California.