

DRAFT

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Item 22

Agenda ID #12082

RESOLUTION E-4583

May 9, 2013

ENERGY DIVISION

R E S O L U T I O N

Resolution E-4583: Southern California Edison requests authority to enter into an easement agreement with the City of Menifee.

PROPOSED OUTCOME: This Resolution adopts the findings and conclusions in the County of Riverside Planning Department's Mitigated Negative Declaration, pursuant to the California Environmental Quality Act, and approves Southern California Edison Advice Letter 2668-E seeking authority to enter into an easement agreement with the City of Menifee, California.

SAFETY: All utilities are expected to comply with all federal and state safety regulations, including Public Utilities Code Section 451.

ESTIMATED COST: None.

By Advice Letter 2668-E filed on December 2, 2011.

SUMMARY

Southern California Edison (SCE) submitted Advice Letter (AL) 2668-E seeking approval under Public Utilities (PU) Code Section 851 to grant the City of Menifee an easement agreement to construct public street and highway improvements on SCE property located in Menifee, California. This Resolution adopts the findings and conclusions in the County of Riverside Planning Department's Mitigated Negative Declaration (MND), pursuant to the California Environmental Quality Act (CEQA),¹ and approves SCE AL 2668-E.

¹ Section 21000 et seq. of the California Public Resources Code 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. SCE has obtained approvals to expand its Menifee Service Center facilities in Menifee, California. One of the development conditions for the project is that SCE grant to the City of Menifee public street or highway rights-of-way to allow for the widening and/or construction of Menifee Road, Ethanac Road/SR-74, McKinley Road, and Street "A"; all of which border SCE-owned property. The proposed road-widening is necessary for improved traffic circulation and public access to new development 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.

AL 2668-E was appropriately filed pursuant to a pilot program to expedite certain transactions via AL that otherwise would be subject to a full PU Code § 851 application (Resolution ALJ-244).

The CPUC's decision to grant or deny the relief sought in AL 2668-E requires Commission review and adoption of the analysis and conclusions of the County of Riverside Planning Department's MND, issued for public comment from June 22 - July 12, 2006, and certified by the County of Riverside on August 17, 2006. In its review, conducted pursuant to the California Environmental Quality Act, the County acted as Lead Agency and concluded that the proposed project, and all activities associated with it, would not have any significant impact on the environment, provided that the mitigation activities proposed by the County are implemented. 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 and findings in the County of Riverside's MND, in accordance with the CEQA Guidelines and the Public Resources Code, and approves the easement agreement between SCE and The City of Menifee.

NOTICE

SCE filed AL 2668-E on December 2, 2011. In accordance with General Order 96-B, Section IV, a copy of this AL was served on the Advice Filing List, Commission staff, and the County of Riverside.

PROTESTS

Protests to AL 2668-E were due no later than December 22, 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 City of Menifee project and the MND underlying the easement agreement with SCE. The Commission, as a Responsible Agency, must adopt the County of Riverside's findings and conclusions as set out in the County's MND.

An Initial Study was prepared by the County of Riverside Planning Department pursuant to CEQA that evaluated potential environmental impacts of the project. Potentially significant impacts to several resource areas were identified in the Initial Study; mitigation measures were developed to reduce the significance of the potential impacts; and a MND was prepared as the appropriate environmental document for this project. The MND was circulated to various governmental agencies and departments for comment during the public review period from June 22 – July 12, 2006.

The County's MND 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 County. Because these measures have been incorporated into the project's design, construction and operation, impacts to sensitive environmental resources will be avoided or minimized to less-than-significant levels.

Based on this evaluation, the County's MND concluded that all impacts of the project could be reduced to less-than-significant levels. On August 17, 2006, the County Board of Supervisors adopted the findings and conclusions of the MND in Public Use Permit No. 496, Revised Permit No. 1, and found that the construction and operation of the project, as mitigated, will not create any

significant adverse environmental impacts or impacts on public health and safety.

This Commission has reviewed the County of Riverside's MND as part of our consideration of whether they have complied with CEQA. Based on that review, we find that the County's MND, with findings and conclusions, represents our independent judgment regarding the environmental impact of the proposed project. Therefore, the Commission will adopt the Mitigated Negative Declaration and the County's findings and conclusions for the proposed project pursuant to and in compliance with CEQA.

COMMENTS

PU Code § 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. PU Code § 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 § 311(g)(2) and Rule 14.6(c)(2) the 30-day comment period for Draft Resolutions is being waived.

FINDINGS

1. The County of Riverside acted as the Lead Agency pursuant to CEQA for the environmental review of the City of Menifee's proposed project.
2. The County of Riverside's Initial Study examined the project in detail, including the portions affecting SCE property, and all related impacts.
3. The County of Riverside prepared an MND as the appropriate environmental document for this project.
4. The MND concluded that all impacts of the project, including those on SCE property, could be reduced to less-than-significant levels.
5. The County of Riverside issued an MND for 30 days of public comment from June 22 - July 12, 2006.
6. On August 17, 2006, the County of Riverside adopted the MND for the project in Public Use Permit No. 496, Revised Permit No. 1.

7. The County of Riverside also adopted the findings, conclusions and mitigation measures contained in the Planning Department's MND, and found that construction of the project, as mitigated, would not create any significant adverse environmental impacts or impacts on public health and safety.
8. SCE submitted AL 2668-E on December 2, 2011, seeking authority pursuant to PU Code § 851 to enter into an easement agreement with the City of Menifee.
9. SCE appropriately filed AL 2668-E pursuant to a pilot program to expedite certain transactions via AL that otherwise would be subject to a full PU Code § 851 application (Resolution ALJ-244).
10. SCE served all required parties in accordance with General Order 96-B, Section IV.
11. Protests to AL 2668-E were due no later than December 22, 2011, and no protests were received.
12. This agreement would allow the City of Menifee to construct road-widening improvements identified in the County of Riverside MND, and outlined in the easement agreement, on a portion of SCE-owned property.
13. The decision to grant or deny the relief sought in AL 2668-E requires Commission review and adoption of the analysis and conclusions of the MND -- including the findings, conclusions, and mitigation measures identified therein -- as adopted by the County of Riverside on August 17, 2006.
14. The Commission will act as a Responsible Agency for compliance with CEQA with respect to the environmental review of the City of Menifee's project underlying the easement agreement with SCE.
15. The Commission has reviewed and considered the County of Riverside's MND prior to adopting the findings, conclusions, and mitigation measures therein.
16. The Commission finds that the findings and conclusions in the County of Riverside's MND reflect the Commission's independent judgment.
17. The Commission concludes that the County of Riverside's MND is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
18. The County of Riverside's MND should be adopted by the Commission as adequate for decision-making purposes pursuant to CEQA.

19. 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 County of Riverside's Mitigated Negative Declaration for the City of Menifee's proposed 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 AL 2668-E between SCE and the City of Menifee to facilitate the widening and/or construction of Menifee Road, Ethanac Road/SR-74, McKinley Road, and Street "A" 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 May 9, 2013, the following Commissioners voting favorably thereon:

Paul Clanon
Executive Director