

**DRAFT**

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

**ITEM 22**

**AGENDA ID # 14454 (Rev.1)**

**RESOLUTION E-4749**

**December 3, 2015**

**ENERGY DIVISION**

**RESOLUTION**

Resolution E-4749. San Diego Gas & Electric Company (SDG&E)  
Relocation of Transmission Line 698 (TL698) and Transfer of  
Easements to D.R. Horton (DRH).

**PROPOSED OUTCOME:**

- This Resolution approves San Diego Gas & Electric Company's AL 2756-E, with an effective date of today. SDG&E's AL proposes to relocate TL698 and transfer easements to D.R. Horton in Fallbrook, San Diego County, California.

**SAFETY CONSIDERATIONS:**

- Effective administration of SDG&E's fee property is part of the responsibility of SDG&E to meet their obligations under Public Utilities Code Section 451 to provide services that promote the safety, health, comfort, and convenience of their patrons, employees and the public.
- There are no specific safety concerns with this transaction.

**ESTIMATED COST:**

- A request for authority to relocate TL698 pursuant to GO 131-D does not require the filing of cost information. Nonetheless, SDG&E states in AL 2756-E that DRH is paying for all costs of the relocation and supplying the required easements to SDG&E at no cost to SDG&E. A request for authority to transfer property pursuant to GO 173 does require the filing of cost information. This transaction has an appraised value of \$15,200.00 for the easement being quit claimed, and \$118,900.00 for the three easements to be acquired by SDG&E.

By Advice Letter 2756-E filed on June 17, 2015.

## **SUMMARY**

This Resolution approves SDG&E's AL 2756-E, with an effective date of today. On June 17, 2015, SDG&E filed Advice Letter 2756-E requesting approval under General Order 173 and Public Utilities Code Section 851 to relocate portions of TL698 and transfer easements with D.R. Horton in Fallbrook, San Diego County, California. The easements will allow DRH to proceed with an approved housing development plan without a transmission line bisecting the project. DRH will grant SDG&E three easements at the side of the planned development; and SDG&E will quit claim an existing easement upon relocation of TL698 to the new easements.

SDG&E states in AL 2756-E that it has reviewed the proposed project and has determined that it will not interfere with SDG&E's operations or SDG&E's ability to provide safe and reliable utility services to its customers, and will not be adverse to the public interest.

## **BACKGROUND**

DRH has identified a need for SDG&E to relocate Transmission Line 698 from the center of a planned development to the side of the development to prevent TL698 from bisecting the project and interfering with approved plans. SDG&E maintains in AL 2756-E that this will result in a benefit to the public. As part of this project, DRH plans to grant SDG&E three easements at the edge of the development property. Upon relocation of TL698, SDG&E will quit claim the existing easement for TL698.

The property in question is located in unincorporated San Diego County and is currently occupied by SDG&E's electric transmission facilities, known as Transmission Line 698. The property contains TL698 (60kV) to provide a connection between SDG&E's Monserate Substation and Pala Substation and Circuit 1234 (12kV) which provides service to the SDG&E customers in the area. DRH intends to use the property for construction of multi-family housing for the Fallbrook community. The purpose of the transaction is to obtain a building site that is not split by the transmission line and allows for construction of the living units further away from the overhead lines. SDG&E notes in a letter responding to a comment from San Diego County that TL698 will eventually be placed underground in the easement when further development in the area is complete.

A Final Environmental Impact Report (FEIR) for the Campus Park project was certified by the County of San Diego Board of Supervisors on May 11, 2011. The certified FEIR found significant impacts to noise, geology/paleontology, biology, and cultural resources. These effects were determined to be mitigated or avoided to a level below significant. While this FEIR did include the TL698 realignment footprint within the housing development footprint, it did not describe or discuss the necessary transmission line relocation or any potential environmental impacts associated with that relocation.

Subsequent to the certification of the FEIR, the County of San Diego Planning and Services Department prepared an Environmental Review Update Checklist Form for Projects with Previously Approved Environmental Documents (Checklist). This updated Checklist considered the Horse Creek Ridge Phase I Grading Plans and the Horse Creek Ridge Unit 1 Improvement Plans including the relocation of TL698. The Checklist found potential significant impacts associated with the relocation of TL698 in the areas of: aesthetics, cultural resources, and noise. The Checklist found that all potential impacts could be mitigated to less than significant with the existing mitigation imposed in the original FEIR. The updated Checklist was approved by the County Staff on December 13, 2013, and found no new or more severe significant environmental impacts caused by the relocation of the transmission line. These changes were considered minor and did not trigger the need for a supplemental or subsequent EIR. Further, the results of the environmental review did not find any exceptions to the exemptions from a Permit to Construct, as described in GO 131-D.III.B.2.

To verify that no environmental impacts and no exceptional circumstances exist, SDG&E states that their subject matter experts (aquatic, biological and cultural) reviewed the power line relocation project for potential environmental impacts and verified that no mapped, or designated environmental resources were located in the footprint of each work area proposed, at each pole location and stringing site, and at the temporary access road. SDG&E staff concluded that no significant impacts to biological, archeological, or aquatic resources would occur from the proposed pole construction, modification and removal activities and would therefore not result in any direct, indirect, or cumulative environmental impacts, nor were there any exceptional circumstances present.

The County of San Diego, Department of Public Works, filed a comment letter regarding AL2756-E on July 6, 2015. The letter indicated concerns with the potential for cultural resources in the easement area defined by this transaction,

and provided a suggested protocol for the avoidance and recovery of potential resources. The letter from the County Department of Public Works provided a copy of the letter to the County Planning and Services Department who produced the original FEIR.

SDG&E responded to the County's comment letter on July 14, 2015. SDG&E's reply letter makes four points: (1) the original FEIR and the updated Checklist approved by the County staff on December 13, 2013, found no significant cultural resource impacts; (2) no circumstances exist that would provide for an exception to an exemption from a Permit to Construct pursuant to GO 131-D.III.B; (3) the protocols suggested by the County in their letter are essentially a recitation of the Cultural Resource mitigation measures provided in the amended FEIR Checklist: M-CR-1a, 1b, and 1d; and (4) SDG&E agrees to implement the suggested protocols through implementation of the mitigation measures outlined in the amended FEIR Checklist.

## **NOTICE**

Notice of AL 2756-E was made by publication in the Commission's Daily Calendar. SDG&E states that AL2756-E was filed in accordance with the noticing requirements of General Order 131-D, Section XI.B.4. In addition, SDG&E provided notice of construction in accordance with Section 4.3 of General Order 96-B.

## **PROTESTS**

There were no protests to SDG&E Advice Letter 2756-E. However, a comment letter was received from the County of San Diego, Department of Public Works which provided a detailed set of suggestions intended to safeguard certain potential cultural resources in the project area. Energy Division and Legal Division staff conferred with the County Department of Public Works and determined that the County is satisfied with the amended EIR and SDG&E's approach to implementing safeguards for cultural resources, and that the County's comments were filed out of an abundance of caution.

## **DISCUSSION**

The Commission has reviewed SDG&E AL 2756-E and the associated documentation, including the attached Amended EIR prepared by the County of

San Diego and has determined that the document is both thorough and complete, and complies with the requirements of the California Environmental Quality Act. The Commission believes that SDG&E's AL 2756-E request for approval was made in accordance with the streamlined procedure adopted by the Commission in General Order 173 and Public Utilities Code Section 851. The Commission finds that the relief requested in AL2756-E is not adverse to the public interest and should be granted.

### **COMMENTS**

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **FINDINGS**

1. On June 17, 2015, SDG&E filed Advice Letter 2756-E Request for Approval to transfer easements with D.R. Horton under General Order 173 and Public Utilities Code Section 851.
2. SDG&E Advice Letter 2756-E complied with the streamlined procedures adopted by the Commission in General Order 173.
3. Notice of AL 2756-E was made by publication in the Commission's Daily Calendar. SDG&E states that a copy of the Advice Letter was mailed and distributed in accordance with both Section 4 of General Order 96-B and with the noticing requirements of General Order 131-D, Section XI.B.4.
4. Advice Letter AL 2756-E was not protested. However, a comment letter was received from the County of San Diego, Department of Public Works.
5. Energy Division and Legal Division staff conferred with the County Department of Public Works and determined that the County's comments were filed out of an abundance of caution.
6. The Commission finds, therefore, that this is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

7. There are no specific safety concerns with this transaction.
8. SDG&E states that it has reviewed the proposed project and has determined that it will not interfere with SDG&E's operations or SDG&E's ability to provide safe and reliable utility services to its customers.
9. This transaction has an appraised value of \$15,200.00 for the easement being quit claimed, and \$118,900.00 for the three easements to be acquired by SDG&E.
10. DRH has identified a need for SDG&E to relocate Transmission Line 698 from the center of a planned project to the side of that project to prevent TL698 from bisecting the property and interfering with approved development plans.
11. The property in question is located in unincorporated San Diego County and is currently occupied by SDG&E's electric transmission facilities, known as Transmission Line 698.
12. A Final Environmental Impact Report (FEIR) for the Campus Park project was certified by the County of San Diego Board of Supervisors on May 11, 2011.
13. The certified FEIR found significant impacts to noise, geology/paleontology, biology, and cultural resources. These effects were determined to be mitigated or avoided to a level below significant.
14. While this FEIR did include the TL698 realignment footprint within the housing development footprint, it did not describe or discuss the necessary transmission line relocation or any potential environmental impacts associated with that relocation.
15. As part of this project, DRH plans to grant SDG&E three easements at the edge of the development property.
16. Upon relocation of TL698, SDG&E will quit claim the existing easement for TL698.
17. Subsequent to the certification of the FEIR, the County of San Diego Planning and Services Department prepared an Environmental Review Update Checklist. This updated Checklist considered the Horse Creek

Ridge Phase I Grading Plans and the Horse Creek Ridge Unit 1  
Improvement Plans including the relocation of TL698.

18. The Checklist found potential significant impacts associated with the relocation of TL698 in the areas of: Aesthetics, Cultural Resources, and Noise.
19. The Checklist found that all potential impacts could be mitigated to less than significant with the existing mitigation imposed in the original FEIR.
20. The updated Checklist was approved by the County Staff on December 13, 2013, and found no new or more severe significant environmental impacts caused by the relocation of the transmission line.
21. These changes were considered minor and did not trigger the need for a supplemental or subsequent EIR.
22. Further, the results of the environmental review did not find any exceptions to the exemptions from a Permit to Construct, as described in GO 131-D.III.B.2.
23. The Commission has reviewed the Amended EIR Checklist prepared by the County of San Diego and has determined that the document is both thorough and complete, and complies with the requirements of the California Environmental Quality Act.
24. The Amended EIR prepared by the County of San Diego is adequate for the Commission's decision-making purposes as a Responsible Agency pursuant to CEQA.
25. Approval of this transaction is not adverse to the public interest because it will not impair SDG&E's provision of utility service, and it will provide benefits to the public by facilitating a larger project by D.R. Horton.
26. The Commission finds that the relief requested in AL 2756-E is not adverse to the public interest and should be granted.

**THEREFORE IT IS ORDERED THAT:**

1. SDG&E shall implement the mitigation measures outlined in the original FEIR and amended EIR (Checklist) to avoid or mitigate impacts associated with the relocation of TL698.
2. The request of San Diego Gas and Electric Company for approval of a transfer of easements with D.R. Horton as requested in AL 2756-E 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 December 3, 2015; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director