

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

Agenda ID 14735  
RESOLUTION E-4777  
April 7, 2016

**R E S O L U T I O N**

Resolution E-4777. Pacific Gas & Electric Company (PG&E) Request to Transfer an Easement to the Santa Clara Valley Water District pursuant to Advice Letter (AL) 4771-E.

PROPOSED OUTCOME:

- This Resolution approves Pacific Gas & Electric Company's AL 4771-E with an effective date of today. PG&E proposes to transfer an easement to the Santa Clara Valley Water District for the installation of certain flood control facilities.

SAFETY CONSIDERATIONS:

- Effective administration of PG&E's fee property is part of the responsibility of PG&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. The granting of these easements is expected to improve public safety with regard to storm and flooding events in the Santa Clara Valley Water District, including in the cities of Sunnyvale and Cupertino.

ESTIMATED COST:

- A request for authority to transfer property pursuant to General Order (GO) 173 requires the filing of cost information. This transaction has an appraised value of \$46,500 for the easement to be granted by PG&E.

By Advice Letter 4771-E, filed on January 6, 2016.

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## **SUMMARY**

This Resolution approves PG&E's AL 4771-E, with an effective date of today. On January 6, 2016, PG&E filed Advice Letter 4771-E requesting approval under GO 173 and Public Utilities Code Section 851 to transfer an easement to the Santa Clara Valley Water District (District) for flood control purposes. Approval of the request is expected to improve public safety with regard to storm and flooding events in the Santa Clara Valley Water District, including in the cities of Sunnyvale and Cupertino. PG&E has reviewed the District's plans and has determined that the proposed facilities will not impede PG&E's ability to access, maintain, repair, and replace its facilities within the easement area.

## **BACKGROUND**

The Santa Clara Valley Water District has identified a need for PG&E to transfer an easement to the District for flood control purposes. This easement will allow the District to install a floodwall and storm drainage facilities that will improve area water management and flood abatement efforts. The District seeks to improve its flood management efforts by developing new infrastructure that is necessary to provide 100-year riverine flood protection.

The District project (No. 26074002) will serve residents, businesses, and infrastructure in the cities of Sunnyvale and Cupertino. As part of that project, PG&E's proposed easement will permit the District to install a two-foot tall, 40-foot long wall along the east bank of the Sunnyvale East Channel that will provide flood protection to the adjacent community, including PG&E's existing electric transmission towers and its Lawrence substation.

A Draft Environmental Impact Report (DEIR) was prepared by the District pursuant to the California Environmental Quality Act (CEQA). The DEIR was submitted to the State Clearinghouse for distribution to state agencies and was available to agencies and the public for review and comment for 45 days between November 1 and December 15, 2013. A public meeting was conducted on November 20, 2013 to receive written and oral comments on the DEIR.

A Final Environmental Impact Report (FEIR) was prepared by the District that responded to all comments received on the Draft EIR. The FEIR included a Mitigation Monitoring Compliance and Reporting Program (MMCRP). A Resolution certifying the FEIR, and adopting the MMCRP, Findings of Fact, and a Statement of Overriding Considerations was prepared pursuant to CEQA and

was adopted by the Santa Clara Valley Water District Board on September 9, 2014 (Resolution No. 14-82 – Project No. 26074002). A Notice of Determination was filed with the State Office of Planning and Research on September 10, 2014.

### **NOTICE**

Notice of AL 4771-E was made by publication in the Commission’s Daily Calendar. PG&E states that AL4771-E was filed in accordance with the noticing requirements of General Order 173. In addition, PG&E provided notice in accordance with General Order 96-B.

### **PROTEST**

There were no protests to PG&E Advice Letter 4771-E.

### **DISCUSSION**

The Commission has reviewed PG&E AL 4771-E and the CEQA documentation filed therein, including the attached FEIR, Resolution 14-82, and the Notice of Determination prepared by the District, and has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that PG&E’s AL 4771-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 AL 4771-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 January 6, 2016, PG&E filed Advice Letter 4771-E to transfer an easement to the Santa Clara Valley Water District for flood control purposes under General Order 173 and Public Utilities Code Section 851.

2. There are no specific safety concerns with this transaction.
3. This transaction has an appraised value of \$46,500.
4. The Santa Clara Valley Water District has identified a need for PG&E to transfer an easement to the District to allow the District to install a floodwall and storm drainage facilities that will improve area water management and flood abatement efforts.
5. A Final Environmental Impact Report (FEIR) was prepared by the District that responded to all comments received on the Draft EIR. The FEIR included a Mitigation Monitoring Compliance and Reporting Program (MMCRP).
6. A Resolution certifying the FEIR, and adopting the MMCRP, Findings of Fact, and a Statement of Overriding Considerations was prepared pursuant to CEQA and was adopted by the Santa Clara Valley Water District Board on September 9, 2014 (Resolution No. 14-82 – Project No. 26074002).
7. A Notice of Determination was filed with the State Office of Planning and Research on September 10, 2014.
8. The Commission has reviewed PG&E AL 4771-E and the associated documentation filed with the AL, including the attached FEIR, Resolution 14-82, and the Notice of Determination prepared by the District, and has determined that the documents comply with the requirements of the California Environmental Quality Act.
9. Notice of AL 4771-E was made by publication in the Commission's Daily Calendar. A copy of the Advice Letter was mailed and distributed in accordance with the noticing requirements of General Order 173 and General Order 96-B.
10. Advice Letter AL 4771-E was not protested.
11. The Commission finds 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.
12. PG&E Advice Letter 4771-E complies with the streamlined procedures adopted by the Commission in General Order 173.
13. PG&E states that it has reviewed the proposed flood control facilities and has determined that they will not interfere with PG&E's operations or PG&E's ability to provide safe and reliable utility services to its customers.

14. Approval of this transaction will not impair PG&E's provision of utility service, and it will provide benefits to the public by facilitating flood control improvements.
15. The Commission finds that the relief requested in AL 4771-E is not adverse to the public interest and should be granted.

**THEREFORE IT IS ORDERED THAT:**

1. The request of Pacific Gas & Electric Company in AL 4771-E for approval to transfer an easement to the Santa Clara Valley Water District 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 April 7, 2016; the following Commissioners voting favorably thereon:

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TIMOTHY J. SULLIVAN  
Executive Director