

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

**RESOLUTION E-4784
August 10, 2017**

RESOLUTION

Resolution E-4784. Pacific Gas and Electric Company Request for Easement Agreement with the City of Mountain View pursuant to Advice Letter 5073-E.

PROPOSED OUTCOME:

- This Resolution approves Pacific Gas and Electric Company's (PG&E) Advice Letter (AL) 5073-E with an effective date of today. PG&E proposes to grant an easement agreement (Agreement) to the City of Mountain View (City) to permit the City to resolve two unintentional encroachments onto PG&E's property.

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.
- This approval of AL 5073-E will allow the City to resolve two unintentional encroachments onto PG&E's property.

ESTIMATED COST:

- A request for authority to enter into transactions pursuant to General Order (GO) 173 requires the filing of cost information. PG&E states in AL 5073-E that the Project facilities contemplated within the PG&E easement "do not rise to the level of a right that has significant economic value to PG&E." Therefore PG&E will collect a nominal fee of \$500 as compensation for this transaction. This fee will be accounted for as Electric Other Operating Revenue.

By Advice Letter 5073-E, filed on May 19, 2017.

SUMMARY

This Resolution approves PG&E's AL 5073-E, with an effective date of today. On May 19, 2017, PG&E filed Advice Letter 5073-E requesting approval under GO 173 and Public Utilities Code Section 851 to enter into an easement agreement with the City of Mountain View. The easement agreement will allow the City to resolve two unintentional encroachments onto PG&E's property. PG&E has reviewed the City's plans and has determined that the encroaching facilities will not impede PG&E's ability to access, maintain, repair, and replace its facilities within PG&E property.

BACKGROUND

In the late 1990s, the City installed a gas recovery system to capture methane gas for cogeneration that included two gas recovery lines on the southern portion of PG&E property. In addition, in 2014, during construction of Shoreline Athletic Fields, the City inadvertently installed a sports field light pole on PG&E property. Upon inspection, PG&E has determined that the encroaching facilities will not interfere with PG&E's safe and reliable operations.

The encroaching facilities were reviewed in part (the sports field light pole) in the Shoreline Athletic Fields Project Initial Study / Mitigated Negative Declaration (MND) prepared by the City of Mountain View as the Lead Agency. A Draft MND was filed with the Santa Clara Office of the County Clerk-Recorder and the State Office of Planning and Research (OPR) for public distribution and comment and was available to agencies and the public for 30 days from August 15, 2011 to September 14, 2011. No comments were received.

A Final MND was prepared by the City staff. On October 11, 2011, the Mountain View City Council held a public meeting to consider and adopt the Final MND, and approve the Project. The proposed Shoreline Athletic Fields Final MND was submitted to the Santa Clara County Clerk-Recorder and a Notice of Determination (NOD) was filed with OPR on October 17, 2011.

NOTICE

Notice of AL 5073-E was made by publication in the Commission's Daily Calendar. PG&E states that AL5073-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.

PROTESTS

There were no protests to PG&E Advice Letter 5073-E.

DISCUSSION

The Commission has reviewed PG&E AL 5073-E and the attached materials relating to the CEQA process as prepared by the City of Mountain View. The Commission has determined that the documents comply with the requirements of the California Environmental Quality Act. The Commission finds that PG&E's AL 5073-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 5073-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 May 19, 2017, PG&E filed Advice Letter 5073-E to enter into an easement agreement with the City of Mountain View under General Order 173 and Public Utilities Code Section 851.
2. The City of Mountain View requires an easement agreement with PG&E to allow the City to resolve two unintended encroachments on PG&E property.
3. There are no specific safety concerns with this transaction.
4. PG&E states that this transaction "does not rise to the level of a right that has any significant economic value to PG&E" and will therefore collect a nominal \$500 as compensation, to be accounted for as Electric Other Operating Revenue.
5. The encroachments were reviewed in part by the Shoreline Athletic Fields Project Initial Study / Mitigated Negative Declaration (MND) prepared by the City of Mountain View as the Lead Agency.

6. A Draft MND was filed with the Office of Planning and Research for public distribution and was available to agencies and the public for review and comment for 30 days. No comments were received.
7. On October 11, 2011, the City Council held a public meeting to consider and adopt the Final MND and approve the Project.
8. A Notice of Determination was filed with the County of Santa Clara and the State Office of Planning and Research (OPR) on October 17, 2011.
9. The Commission has reviewed PG&E AL 5073-E and the associated documentation filed with the AL and has determined that the documents comply with the requirements of the California Environmental Quality Act.
10. PG&E Advice Letter 5073-E complies with the streamlined procedures adopted by the Commission in General Order 173.
11. PG&E states that it has reviewed the encroaching 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.
12. Approval of this transaction will not impair PG&E's provision of utility service.
13. The Commission finds that the relief requested in AL 5073-E is not adverse to the public interest and should be granted.

THEREFORE IT IS ORDERED THAT:

1. The request of Pacific Gas and Electric Company in AL 5073-E for approval to enter into an easement agreement with the City of Mountain View 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 August 10, 2017; the following Commissioners voting favorably thereon:

/s/TIMOTHY J. SULLIVAN
TIMOTHY J. SULLIVAN
Executive Director

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners