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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
ENERGY DIVISION
ID # 11360
RESOLUTION E-4506
June 21, 2012

R E S O L U T I O N

Resolution E-4506. Pacific Gas and Electric (PG&E)

PROPOSED OUTCOME: This Resolution adopts the findings and conclusions in the City of Placerville’s Mitigated Negative Declaration pursuant to the California Environmental Quality Act and approves PG&E Advice Letter 3744-E seeking authority to enter into an agreement concerning a number of easements with the City of Placerville.

ESTIMATED COST: NONE

By Advice Letter 3744-E filed on October 15, 2010.

SUMMARY

Pacific Gas and Electric Company has submitted Advice Letter (AL) 3744-E seeking approval under Public Utilities (PU) Code Section 851 to grant the City of Placerville (City) a combination of easements along the easterly boundary of PG&E property that houses the Placerville Substation, located at 1284 Broadway Street, Placerville, California. The City will use the proposed Road, Water Valve and Slope Easement (easement) to replace the existing one-lane Blair’s Lane Bridge with a two-lane bridge and associated road improvements. In addition, the City will use the proposed easement to excavate for, construct, install, repair, replace, remove, maintain, and use a water pressure regulating valve and water pipe lines. The area covered by the Road, Water Valve and Slope Easement, will be hereinafter collectively be referred to as the “Easement Area.” PG&E asserts that this easement will not interfere with their ability to provide utility services and is not adverse to the public interest; rather it will benefit the public through improved pedestrian and vehicular traffic flow and access to the Placerville Substation, as well as improving aesthetics in the area through landscaping.

Advice Letter 3744-E was appropriately filed pursuant to a pilot program to expedite certain transactions via Advice Letter 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 3744-E requires Commission review and adoption of the analysis and conclusions of the City of Placerville's Mitigated Negative Declaration (MND), issued for public comment in November 2006, and adopted by the City of Placerville on February 20, 2007. In its review, conducted pursuant to the California Environmental Quality Act (CEQA),¹ the City acted as Lead Agency and concluded that the proposed Blair's Lane Road Widening project (project), and all activities associated with it, would not have any significant impact on the environment. Such a review and adoption is a discretionary decision pursuant to the CEQA, and the CPUC will act as a Responsible Agency for compliance with CEQA. This Resolution adopts the conclusions and findings in the City's MND in accordance with the CEQA Guidelines and the Public Resources Code, and approves the easement agreement between PG&E and the City of Placerville.

BACKGROUND

PG&E owns land, buildings and other facilities in connection with the provision of electric service to its customers throughout northern and central California. In the provision of this service, PG&E relies on its wide system of substations to support its generation, transmission and distribution activities. One such substation is the Placerville Substation, located at 1284 Broadway Street, Placerville, California. Eskaton Village Placerville (Eskaton) was a development planned at the new southern terminus of Blair's Lane. One of the conditions of approval of the project was to widen Blair's Lane to local street standards and to widen the bridge accordingly. PG&E understands that although the Eskaton development did not materialize, the City still intends to pursue the road widening project. To facilitate the road-widening project, the City will need to secure a combination of rights of way and easements. In December 2007, the City proceeded to obtain property appraisals and began the easement acquisition process to support the widening of Blair's Lane. As a result of these activities, the City approached PG&E to secure this easement in the aforementioned Easement Area.

¹ Section 21000 et seq. of the California Public Resources Code [PRC] and the State CEQA Guidelines (Title 14, Section 15000 et seq. of the California Code of Regulations [14 CCR 15000 et seq.]).

Upon completion of the widening of Blair's Lane, the existing one-lane bridge will be replaced with a two-lane bridge along with all roadway approach work as required. In addition, an existing 31-foot long single span, steel stringer bridge will be replaced with a concrete deck supported on concrete abutments with a 41-foot long single-span cast-in-place pre-stressed concrete bridge. The project will require the relocation of overhead electric lines and underground sewer and water lines. Additionally, a retaining wall will be required to avoid impacting a PG&E electric transmission tower. All of these activities will be carried out as part of the road widening project by a contractor upon acquisition of all the necessary easements.

The Easement Area requested by the City will support the contemporaneous expansion of Blair's Lane and the construction of improvements in accordance with City requirements. Specifically, the Blair's Lane improvements will include a curb, gutter, sidewalk, drainage facilities, and sewer and water lines. The expansion activities as well as the construction of associated improvements in the Easement Area will augment access to PG&E's Placerville Substation, allowing for greater cost-efficiencies in substation maintenance and the delivery of energy services and will not interfere with PG&E's provision of utility services.

PG&E states in the Advice Letter on page two that the proposed easements satisfy Section 851 requirements as they are "not adverse to the public interest." PG&E notes that "The Commission has repeatedly held that the relevant inquiry in Section 851 proceedings is whether the transaction is 'adverse to the public interest.' (See, e.g., Universal Marine Corp., 1984, Cal. PUC Lexis 962 * 3; 14 California Public Utilities Commission (CPUC) 2d 644, 646; see also Decision (D.) 03-01-084, 2003 Cal. PUC LEXIS 72, *10. D.89-07-016 and D.01-05-076.)" PG&E continues to note that "... in approving productive compatible uses of utility property such as this easement, the Commission has long recognized that the public interest is served when, as in this request, utility property is used for other productive purposes without interfering with the utility's operations or affecting services to utility customers. (D.04-07-023, mimeo, p. 13, citing D.02-01-058 [2002 Cal. PUC LEXIS 11, *9-*10], D.94-06-017, and D.92-07-007.)"

Based on the above, PG&E asserts that the road widening will not interfere with PG&E's operations or its ability to provide reliable service to its customers. On the contrary, granting this easement will improve access to the Substation, as well as facilitate the improvement of pedestrian and vehicular traffic flow consistent with other similarly situated City improvements.

NOTICE

PG&E filed Advice Letter 3744-E on October 15, 2010. In accordance with General Order 96-B, Section IV, a copy of this Advice Letter was served on the Advice Filing List, Commission staff, and the City of Placerville.

PROTESTS

Protests to Advice Letter 3744-E were due no later than November 4, 2010. 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 Blair's Lane Road Widening project. The Commission, as a Responsible Agency, must adopt the City of Placerville's findings and conclusions as set out in the City's Mitigated Negative Declaration.

An Initial Study was prepared by the City of Placerville Planning Commission pursuant to CEQA that evaluated potential environmental impacts of widening Blair's Lane. Potentially significant impacts to biological and cultural resources were identified in the Initial Study; mitigation measures were developed to reduce the significance of the potential impacts; and a Mitigated Negative Declaration was prepared as the appropriate environmental document for this project.

The Initial Study and MND (State Clearinghouse Number 2006122001) was circulated to various Governmental Agencies and Departments for comments during the public review period of November 30, 2006 to December 29, 2006. Notice was given to the property owners within the vicinity of the project site during the public review period. No comments were received.

The City's MND examined the Blair's Lane Road Widening project including all associated activities and all related impacts. Environmental protection measures to protect sensitive environmental resources were incorporated into the project and were made conditions of project approval by the City. 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 City's MND concluded that all impacts of the project could be reduced to less-than-significant levels. A Staff Report was prepared on February 15, 2007, by the City of Placerville Planning Commission (Staff Report) that made findings and conclusions, and developed mitigation measures for each potentially significant impact. On February 20, 2007, the City adopted the findings and conclusions of the MND and Staff Report, 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 City of Placerville's MND and Staff Report as part of our consideration of whether they have complied with CEQA. Based on that review, we find that the City's MND and Staff Report with findings and conclusions represents our independent judgment regarding the environmental impact of the proposed project. Therefore, we will adopt the Mitigated Negative Declaration and the City'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 City of Placerville acted as the Lead Agency pursuant to CEQA for the environmental review of the Blair's Lane Road Widening project.
2. The City of Placerville issued an Initial Study and Mitigated Negative Declaration for thirty-days of public comment between November 30, 2006, and December 29, 2006.

3. The City of Placerville's Initial Study examined the Blair's Lane project in detail, including the portions affecting PG&E property, and all related impacts.
4. The Initial Study and Mitigated Negative Declaration concluded that all impacts of the Blair's Lane project, including those on PG&E property, could be reduced to less-than-significant levels.
5. On February 20, 2007, the City of Placerville Planning Commission adopted the Initial Study and Mitigated Negative Declaration for the Blair's Lane Road Widening project.
6. The City of Placerville also adopted the findings, conclusions and mitigation measures contained in the Planning Commission's Staff Report of February 15, 2007, and found that the construction of the Blair's Lane project, as mitigated, would not create any significant adverse environmental impacts, or impacts on public health and safety.
7. Pacific Gas and Electric Company submitted Advice Letter 3744-E on October 15, 2010, seeking authority pursuant to PU Code § 851 to enter into an easement agreement with the City of Placerville.
8. PG&E appropriately filed Advice Letter 3744-E pursuant to a pilot program to expedite certain transactions via Advice Letter that otherwise would be subject to a full PU Code § 851 application (Resolution ALJ-244).
9. PG&E served all required parties in accordance with General Order 96-B, Section IV.
10. Protests to Advice Letter 3744-E were due no later than November 4, 2010, and no protests were received.
11. This agreement would allow the City of Placerville to construct a road-widening project and bridge replacement, including activities on a portion of PG&E-owned property.
12. The CPUC's decision to grant or deny the relief sought in AL 3744-E requires Commission review and adoption of the analysis and conclusions of the Initial Study and Mitigated Negative Declaration issued November 30, 2006, as well as the findings, conclusions, and mitigation measures identified in the Planning Commission's Staff Report of February 15, 2007, as adopted by the City of Placerville on February 20, 2007.

13. The CPUC will act as a Responsible Agency for compliance with CEQA with respect to the environmental review of the Blair's Lane Road Widening project.
14. We have reviewed and considered the City of Placerville's Initial Study and Mitigated Negative Declaration as well as the Planning Commission's Staff Report prior to adopting the findings, conclusions, and mitigation measures therein.
15. We find that the findings and conclusions in the City of Placerville's Initial Study and Mitigated Negative Declaration as well as the Planning Commission's Staff Report reflect our independent judgment.
16. We find that the Staff Recommendation No. 4 and Mitigation Measures 1-5, as outlined in the City of Placerville Planning Commission Staff Report of February 15, 2007, should be implemented.
17. With the implementation of the mitigation measures identified in the Planning Commission's February 15, 2007, Staff Report, all environmental impacts are reduced to less-than-significant.
18. We conclude that the City of Placerville's Initial Study and Mitigated Negative Declaration is competent, comprehensive and has been completed in compliance with CEQA and the Public Resources Code.
19. The City of Placerville's Initial Study and Mitigated Negative Declaration as well as the Planning Commission's February 15, 2007, Staff Report should be adopted by the Commission as adequate for our decision-making purposes pursuant to CEQA.
20. Pursuant to PU Code § 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 City of Placerville's Mitigated Negative Declaration 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 Advice Letter 3744-E between Pacific Gas and Electric and the City of Placerville to facilitate the Blair's Lane Road Widening project 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 June 21, 2012; the following Commissioners voting favorably thereon:

Paul Clanon
Executive Director