

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



FILED

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Order Instituting Rulemaking to Revise)
and Clarify Commission Regulations)
Relating to the Safety of Electric Utility and)
Communications Infrastructure Provider)
Facilities.)
_____)

Rulemaking 08-11-005
(Filed Nov. 6, 2008)

LOS ANGELES COUNTY'S PROPOSED RULES FOR PHASE II

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Dated: December 16, 2009

Attorneys for the COUNTY OF LOS ANGELES

The County of Los Angeles ("County") hereby submits specific proposed rule changes for Phase II in this Rulemaking, R. 08-11-005, pursuant to the Assigned Commissioner's November 5, 2009 Ruling and Scoping Memo for Phase II of this Proceeding ("Scoping Memo"). The County actively participated in Phase I of this proceeding and intends to continue its participation in Phase II. The Scoping Memo specifically states that Phase II may consider adding fire risk to the list of reasons to permit undergrounding under Tariff Rule 20. The County strongly supports including discussion of changes to the undergrounding rules in Phase II. During Phase I of this Proceeding, the County filed proposed rules that included a change to the undergrounding rules in Tariff 20.¹ As indicated in that document, the County supports undergrounding of overhead lines in high and very high fire hazard severity zones in the unincorporated areas of the County.

A. County's Proposed Rule Change to Tariff Rule 20 re: Undergrounding of Overhead Powerlines in High and Very High Fire Hazard Severity Zones

The County proposes amending Rule 20 A (1) (a) to include the following language:

(5) the undergrounding will reduce the potential fire danger posed by the overhead electric facilities.

Additionally, in regards to funding of undergrounding projects in high and very high fire hazard severity zones, the County proposes to amend Rule 20 to allow for undergrounding projects to be funded by a combination of funding sources, including cities and counties, in addition to funds allocated by the utilities. Importantly, there should be no penalty or reduction in funds from a utility, if a city or county wants to contribute funds to an undergrounding project. Rules should encourage, not penalize, contribution of funds from sources other than a utility for undergrounding. Current Rule 20 A precludes contribution of funds for undergrounding from

¹ See County's Proposed Rules for Phase I, filed on January 21, 2009.

cities and counties. If a county wants to contribute a portion of the funds for undergrounding, the project is then considered 20 B and the utilities do not have to fund the project as a Rule 20 A project, but rather only the utility has to contribute the cost of an equivalent overhead system (usually about 20% of the total undergrounding costs according to SCE's website on Rule 20) and the cost of removing the overhead lines.² This discourages use of other funds to help underground more overhead wires and results in fewer undergrounding projects being completed. Changing the rule as recommended by the County would result in more undergrounding. Accordingly, the County proposes the following new language be added to Rule 20 A(1):

c) For undergrounding projects that are located in high or very high fire hazard severity zones, in order to reduce the potential fire danger posed by the overhead electric facilities, cities, counties, and sources other than the utility shall be allowed to contribute funds toward the cost of the project and such funding shall not prevent such a project from proceeding under Rule 20 A. The funding to be provided through available Rule 20A allocations can be supplemented by cities, counties, or other funding sources while maintaining the project as a Rule 20A project.

Pursuant to the Scoping Memo (p. 11), the County provides the following detailed description and justification for these rule changes.

a. The specific electric utilities, CIPs, and others affected by the PRC.

These two rule changes proposed by the County would apply to electric utilities.

² <http://www.sce.com/Sc3/Templates/CategoryGeneric3Col.aspx?NRMODE=Published&NRNODEGUID=%7b39C8055F-1239-49E6-8055-C6DEC35D4FA9%7d&NRORIGINALURL=%2fsc3%2fPowerandEnvironment%2fEnvironmentalCommitment%2fBeautification%2f&NRCACHEHINT=Guest#20A>

b. Why the PRC is within the scope of Phase 2.

The proposed rule changes are within the scope of Phase II because changes to the undergrounding rules were specifically proposed during Phase I of this Proceeding and undergrounding was specifically discussed in the OIR. In their Preconference Statements, both SDG&E (pg. 2) and SCE (p. 12) recommended undergrounding rule changes be discussed in Phase II. Changes to undergrounding were specifically listed in the Scoping Memo as being subject to inclusion in Phase II.

c. New and/or revised text for the affected General Order(s), if applicable.

i. Rule 20 A (1) (a) be amended to include the following language:

(5) the undergrounding will reduce the potential fire danger posed by the overhead electric facilities.

ii. The following new language be added to Rule 20 A(1):

c) For undergrounding projects that are located in high or very high fire hazard severity zones, in order to reduce the potential fire danger posed by the overhead electric facilities, cities, counties, and sources other than the utility shall be allowed to contribute funds toward the cost of the project and such funding shall not prevent such a project from proceeding under Rule 20 A. The funding to be provided through available Rule 20A allocations can be supplemented by cities, counties, or other funding sources while maintaining the project as a Rule 20A project.

d. The specific fire hazard(s) addressed by the PRC and/or other reason(s) for the PRC.

The specific hazard to be addressed by the rule is reducing the fire risk from overhead electric facilities in high and very high fire hazard severity zones. Undergrounding would eliminate the potential for high winds, earthquakes, or other causes to result in overhead wires causing a fire. Placing the wires underground eliminates the fire danger by eliminating the chance that wind will cause poles to fail or wires to be blown into contact with each other.

e. How the PRC reduces or otherwise addresses the identified fire hazard(s) and/or achieves other intended purposes.

Undergrounding would eliminate the potential for high winds, earthquakes, or other causes to result in overhead wires causing a fire. Placing the wires underground eliminates the fire danger by eliminating the chance that wind will cause poles to fail or wires to be blown into contact with each other.

f. The anticipated costs and benefits of the PRC.

While the County was not able to analyze the costs and benefits of the proposed rule changes, the proposed changes are likely to have the effect of increasing the amount of funding available for undergrounding. Additionally, the benefit of preventing fires is certainly more beneficial than the current justification for many undergrounding projects which is for aesthetic reasons.

g. Whether and how the costs will be recovered from customers. Whether and how costs will be shared among electric utilities, CIPs, and others.

The costs would be shared by the utilities, ratepayers, and the sources providing the additional funding.

h. Why it is in the public interest to adopt the PRC.

It is in the public interest to adopt these proposed changes because they will increase the likelihood of, and funding for, undergrounding of overhead electrical facilities in high and very high fire hazard severity zones. Preventing fire danger should be prioritized ahead of beautification and aesthetic reasons in determining which undergrounding projects get funded.

i. If the PRC applies to electric transmission, why the PRC does not duplicate or conflict with other federal or state regulations.

There is no conflict with federal or state regulations.

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j. Whether adoption of the PRC is exempt from CEQA and/or the National Environmental Policy Act (NEPA) and, if so, why. If not, what steps need to occur under CEQA and/or NEPA before the PRC can be adopted.

These proposed rule changes are exempt from CEQA pursuant to CEQA Guidelines section 15302(d) which specifically exempts undergrounding of overhead electrical utilities.

Respectfully submitted on December 16, 2009, in Los Angeles, California,

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CERTIFICATE OF SERVICE

Gloria Hicks hereby certifies that on December 16, 2009, I served a copy of the

LOS ANGELES COUNTY'S PROPOSED RULES FOR PHASE II

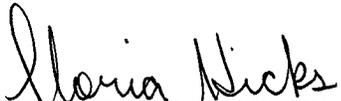
on all parties to CPUC Proceeding R. 08-11-005 as listed on the attached PUC service list as of December 7, 2009 which was obtained from the California Public Utilities Commission's website for CPUC Proceeding R.08-11-005 available at http://docs.cpuc.ca.gov/published/service_lists/R0811005_77917.htm. Copies were sent via email to those parties who have supplied an email address and by U.S. Mail (first-class postage prepaid) to those parties who did not supply an email address.

A copy was also mailed to:

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I hereby certify that the foregoing is true and correct and that this was executed on December 16, 2009, at Los Angeles, California.



Gloria Hicks



California Public
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CPUC Home

CALIFORNIA PUBLIC UTILITIES COMMISSION

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