



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

FILED

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In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U-338-E) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11)

Application No. 07-06-031
(Filed June 29, 2007)

**NOTICE OF WRITTEN AND ORAL EX PARTE CONTACT
BY THE CITY OF CHINO HILLS**

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Date: October 19, 2009

Attorneys for The City of Chino Hills

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OF THE STATE OF CALIFORNIA**

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U-338-E) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11)

Application No. 07-06-031
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**NOTICE OF WRITTEN AND ORAL EX PARTE COMMUNICATION
BY THE CITY OF CHINO HILLS**

Pursuant to Rule 8.3 of the Commission's Rules of Practice and Procedure, the City of Chino Hills submits this Notice of Written and Oral Ex Parte Communication.

On Wednesday, October 14, 2009 at 11:00 am, the City of Chino Hills had an ex parte meeting with President Michael Peevey, Carol Brown, advisor to President Peevey, and Assistant Executive Director Nancy Ryan. In attendance for the City were Michael Fleager, City Manager, Mark Hensley, City Attorney, Dariush Shirmohammadi, consultant to the City, Sandi McCubbin, contract lobbyist for the City, and Michael B. Day of the law firm, Goodin, MacBride, Squeri, Day & Lamprey, LLP, outside counsel for the City. The meeting was granted as an equal time meeting, prompted by a prior ex parte meeting between Southern California Edison Company (SCE) and President Peevey, and was initiated by Mr. Day. The meeting took place at the Commission's offices in San Francisco and lasted for approximately 30 minutes.

During the meeting the representatives of the City stated that Alternative 4CM was superior to SCE's Segment 8A proposed route. City representatives explained that it cost less to construct Alternative 4CM than SCE's proposed route, and that the average cost estimation techniques and switching station quotes relied upon by the City were more credible than SCE's

cost estimates, which produced results that were inconsistent with other SCE evidence indicating that tower steel poles are more expensive than lattice transmission towers. City representatives also explained that Alternative 4CM would not cause a delay in the TRTP project. President Peevey was provided a copy of a letter from the Department of Toxic Substances Control which clarified previous communications and stated that a clearance of the property needed for transmission facilities and rights of way for Alternative 4CM could be provided within 60 days of the submission of the appropriate plans by the project applicant. The City's representatives also explained the significant risk of delay posed by the ongoing litigation over SCE's existing easement rights within the City of Chino Hills. The City's representatives also stated that it was both inappropriate and offensive for SCE to characterize the opposition of the City and its residents to the project as mere "NIMBY" sentiment, and explained that the SCE route would cause serious negative impacts on the community, including increased fire safety risk, risk from tower failure, curtailing of existing uses within the community, and massive negative visual impacts. The City's representatives also provided President Peevey with an exhibit from the proceeding, a map of the competing routes prepared by SCE. Copies of the DTSC correspondence and the map are attached to this Notice.

For a copy of this notice please contact Ms. Melinda LaJaunie at 415-392-7900 or mlajaunie@goodinmacbride.com.

Respectfully submitted this October 19, 2009 at San Francisco, California.

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BY /s/ Michael B. Day

Michael B. Day
Attorneys for the City of Chino Hills



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Secretary for
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Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630

Arnold Schwarzenegger
Governor

October 13, 2009

Mr. Michael S. Fleager
City Manager
City of Chino Hills
14000 City Center Drive
Chino Hills, California 91709

PROPOSED SOUTHERN CALIFORNIA EDISON TRANSMISSION LINES, AEROJET
GENERAL CORPORATION, CHINO HILLS FACILITY (EPA ID NO. CAD981457302)

Dear Mr. Fleager:

This is in response to the October 7, 2009 letter from Mr. Mark Hensley, requesting that the Department of Toxic Substances Control (DTSC) state whether it concurs with a letter dated October 7, 2009 from the City's consultant, Michael Short of Parsons Engineering, regarding the Proposed Southern California Edison Tehachapi Renewable Energy Transmission Project (TRTP). The letter addresses whether there are ordnance related hazards on the Aerojet property that affect its suitability for the City's proposed alternative for the TRTP project. Mr. Short concludes that with normal mitigation measures in place and subject to the facilities being located on the property as outlined in his letter, there are no significant impediments for utilizing the Aerojet property for the City's proposed alternative.

DTSC concurs with Mr. Short's letter, with the following addition: In the bottom of the second paragraph, he states- "**If, and only if, the roadway is to be expanded in width**, this will require construction support provided by two unexploded ordnance (UXO) technicians." DTSC wishes to add that at least one of the two on-site UXO technicians performing this task must meet the minimum qualifications for a Technician III as defined in the Department of Defense Explosive Safety Board's Technical Papers (TP)# 18 - MINIMUM QUALIFICATIONS FOR UNEXPLODED ORDNANCE (UXO) TECHNICIANS AND PERSONNEL (see: <http://www.ddesb.pentagon.mil/techpapers.html>), with the other Technician having the qualifications of at least a Technician II level.

This concurrence does not constitute an endorsement of the City's proposed route for the TRTP, nor does it constitute a RCRA Corrective Action Completion Determination for the parcel that would be used for the route. A Corrective Action Complete Determination releases the owner/operator of a RCRA permitted facility from liability

Mr. Michael S. Fleager
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and constitutes a discretionary action under CEQA. To initiate the Corrective Action Complete Determination, the facility owner/operator must provide the following items to DTSC:

A Corrective Action Complete Determination Request from the owner/operator of the parcel

This request must include a description of the Corrective Action performed to date at Areas of Concern (AOCs) or Solid Waste Management Units (SWMU) at the site which have received a satisfactory No Further Action concurrence from the Department. Underground Storage Tanks should have a No Further Action concurrence from the Regional Water Quality Control Board or the delegated Local agency. No Further Action concurrence documents should be included in the request as part of the appendix or attachment. A summary table is recommended when there are a large number of AOCs/SWMUs. It is crucial that the information in this request be factual and accurate, and matches the legal description and the map(s) mentioned below. DTSC will not initiate the public comment period until those requisites are met. However, DTSC will be available to help consultants to ensure that the information is factual and accurate.

Legal description

A metes and bounds description of the parcel(s) covered by the proposed Corrective Action Complete Determination performed and signed by a registered Land Surveyor.

Map(s)

One or more map(s) as necessary, to visualize the parcel(s) proposed for Corrective Action Complete Determination in the context of the entire RCRA permitted facility.

Fact Sheet

A document describing the proposed Corrective Action Complete Determination, including the history of the site, corrective action completed at AOCs/SWMUs on the parcel, and any other pertinent information. The target audience of this Fact Sheet is the general public and serves the requirements of CEQA.

Public Notice

The owner/operator must public notice the Fact Sheet and other CEQA documents in a major newspaper and also maintains a document repository for the public to access the documents referenced in the Fact Sheet.

DTSC also wishes to add that the 45 to 60 day timeline mentioned in your letter for a Corrective Action Complete Determination after submission and completion of the survey and fact sheet information is contingent upon the number of comments received during the public notice comment period.

Mr. Michael S. Fleager
October 13, 2009
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If you have any questions regarding this letter, please do not hesitate to contact me at (714) 484-5425, or the project Manager, Robert Romero, at (714) 484-5316.

Respectfully,



Mr. Manny Alonzo
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Mr. J. T. Liu, Chief
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5796 Corporate Avenue
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Mr. Michael S Fleager
October 13, 2009
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cc: Mr Robert Romero
Brownfields and Environmental Restoration Program
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5796 Corporate Avenue
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October 7, 2009

Via Email and Facsimile

Robert Romero, Project Manager
Department of Toxic Substances Control
5796 Corporate Avenue
Cypress, California 90630

Re: Aerojet General Corporation-Chino Hills Facility
(EPA ID NO. CAD981457302)

Dear Mr. Romero:

I would like to thank you and the other Department of Toxic Substances Control ("DTSC") staff members for taking the time to meet with City of Chino Hills' representatives last Thursday. As you know, the City has been attempting to clear up some confusion regarding the potential of locating transmission lines, a switching station, and access thereto on the Aerojet Property as part of the Tehachapi Renewable Transmission Project ("TRTP") under review by the California Public Utilities Commission.

Enclosed is a letter dated October 7, 2009 from the City's consultant, Michael Short of Parsons Engineering, addressing whether there are ordinance related hazards on the Aerojet property that affect its suitability for the City's proposed alternative for the TRTP project. In short, Mr. Short concludes that with normal mitigation measures in place and subject to the facilities being located on the property as outlined in his letter, there are no significant impediments for utilizing the Aerojet property for the City's proposed alternative. As we discussed, we are asking DTSC to inform us of whether you agree with his assessment. Of course, it is understood that DTSC is not providing any opinion with regard to what route is the best route to be utilized for the TRTP project.

JENKINS & HOGIN, LLP

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Subject to DTSC being provided with a survey map showing the areas to be released for construction activities (consistent with the description in Mr. Short's letter) as well as a fact sheet outlining the facilities to be built and the general methods of construction, this letter confirms the following statements made by DTSC at our meeting last Thursday. First, to comply with the California Environmental Quality Act ("CEQA") in releasing the subject property from the Resource Conservation and Recovery Act ("RCRA"), DTSC could either rely on the CEQA documentation and determination made by the California Public Utilities Commission on the TRTP or file its own Notice of Exemption. Second, DTSC could provide a RCRA release for the subject property within approximately 45 to 60 days from the time DTSC is provided with the survey and fact sheet information.

Time being of the essence, the City is requesting that DTSC provide a response letter by October 13, 2009 confirming Mr. Short's assessment of the Aerojet property as well as the time frame for the RCRA release outlined in this letter.

Sincerely,



Mark D. Hensley
City Attorney
CITY OF CHINO HILLS

- c: Mike Fleager, City Manager
Elizabeth Calciano, Deputy City Attorney
John Scandura, Performance Manager
J.T. Liu, Unit Chief, Brownsfield and Environmental Restoration Program
Jim Austreng, Senior Hazardous Substances Engineer
Christine Brown, Hazardous Substances Engineer
Debra Schwartz, Senior Staff Counsel

October 7, 2009

Jenkins & Hogin, LLP
ATTN: Mr. Mark Hensley
Manhattan Towers
1230 Rosecrans Avenue, Suite 100
Manhattan Beach, CA 90266

Subject: Ordnance Clearance Requirements Associated with Alternative Route 4CM

Mr. Hensley,

I have reviewed existing documents to determine if there is a potential ordnance hazard related to the installation of the switching station, access roads and transmission lines proposed for Alternative 4CM to the Tehachapi Renewable Transmission Project. The primary reference used in the review was the Geomatrix Consultants Inc. Conceptual Site Model (CSM) for Munitions and Explosives of Concern (MEC), for the Aerojet Chino Hills Property dated August 24, 2006 ("CSM Report"). A secondary reference used was the Munitions and Explosives of Concern Data Gap Report prepared by Weston and dated August 15, 2007 ("MEC Data Gap Report"). The proposed Alternative Route 4CM, including the proposed access roads, are in a location that minimizes any ordnance related hazardous components being encountered.

The only areas of concern are illustrated in Attachment 1. The main access roadway shown to the north of the switching station, which runs horizontally to the switching station, runs through an area where a small amount of ordnance items, components and ordnance related debris were previously encountered. These items were found on the surface or near the surface in an area located close to the road and were more than likely kick-outs from Areas 3, 9 and 19 and Arena Test Area 12. These Areas were constructed and utilized after the road was built. Therefore, if the existing roadway in this area remains as is or is graded and/or re-surfaced, there is no requirement for construction support. *If, and only if, the roadway is to be expanded in width*, this area will require construction support provided by two unexploded ordnance (UXO) technicians.

The roadway leading into the switching station in a southerly direction and the switching station area will require a surface sweep by a five-man team of UXO technicians. If no ordnance items are encountered in the surface sweep, then construction support will not be needed. If ordnance items are encountered in this sweep, then construction support will be required during the roadway improvements and earth moving for the switching station.

Parsons

All other areas in which transmission lines or roads are constructed in support of the installation of the transmission lines are presumed to be free of ordnance and do not require any surface clearance or construction support. In the unlikely event ordnance is encountered in these areas, construction support and/or surface clearance will be required.

As previously stated and agreed to, in order to ensure the construction crews safety, I highly recommend that an ordnance recognition course be given to all site personnel as a precaution.

If you have any questions please do not hesitate to contact me at (678) 969-2451 Office or (404) 387-0798 Cell.

Sincerely yours,



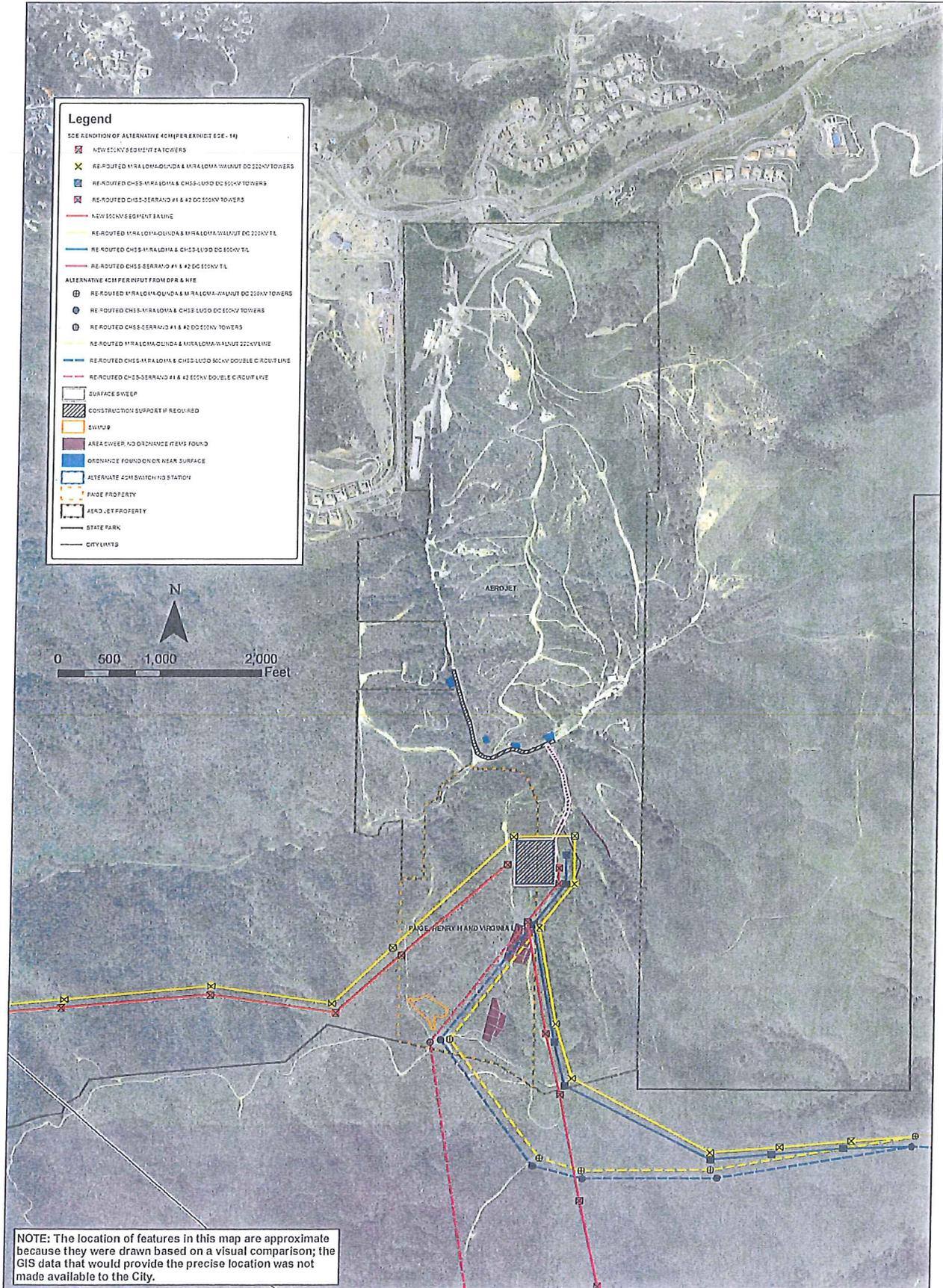
Parsons
Michael E. Short
Technical Director

Attachment 1



CITY OF CHINO HILLS

Surface Sweep & Construction Support if Required



CERTIFICATE OF SERVICE

I, Melinda LaJaunie, certify that I have on this 19th day of October 2009 caused a copy of the foregoing

**NOTICE OF WRITTEN AND ORAL EX PARTE CONTACT
BY THE CITY OF CHINO HILLS**

to be served on all known parties to A.07-06-031 listed on the most recently updated service list available on the California Public Utilities Commission website, via email to those listed with email and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

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California Public Utilities Commission
505 Van Ness Avenue, Room 5207
San Francisco, CA 94102

ALJ Victoria S. Kolakowskli
California Public Utilities
Commission
505 Van Ness Avenue, Room 5007
San Francisco, CA 94102

I declare under penalty of perjury that the foregoing is true and correct.
Executed this 19th day of October 2009 at San Francisco, California.

/s/ Melinda LaJaunie
Melinda LaJaunie

Service List – A.07-06-031 (Updated August 11, 2009)

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(Updated August 11, 2009)**

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