



**FILED**

03-03-10

02:02 PM

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

In the Matter of the Application of  
SOUTHERNCALIFORNIA EDISON  
COMPANY (U338E) for a Permit to Construct  
Electrical Facilities With Voltages Between  
50kV and 200 kV or New or Upgraded  
Substations with High Side Voltages Exceeding  
50 kV: Alberhill System Project.

Application 09-09-022  
(Filed September 30, 2009)

**ASSIGNED COMMISSIONER'S RULING  
DIRECTING CAPTION MODIFICATION**

This ruling directs the Docket Office to change the caption of the proceeding to provide for a Certificate of Public Convenience and Necessity (CPCN) in lieu of a Permit to Construct as the requisite authority to construct the Alberhill System Project, and allows Southern California Edison Company (SCE) to amend its application to provide any additional information it deems necessary to reflect this change.

SCE seeks authority to construct the proposed Alberhill System Project, which includes the following major components:

- A new 1,120 megavolt ampere (MVA) 500/115 kV substation
- Two new 500 kV transmission line segments
- A new 115 kV subtransmission line (approximately three miles in length) and modifications to four existing 115 kV subtransmission lines
- Telecommunications improvements

General Order (GO) 131-D, Part II.A, requires utilities to obtain a CPCN prior to constructing major electric transmission line facilities which are designed for operation at 200 kV or more, except for, among other things, the “minor relocation of existing power line facilities.” Part III.B requires a Permit to Construct (PTC) for electric power line facilities or substations which are designed for operation between 50 kV and 200 kV. While the two new 500 kV transmission line segments would otherwise require that SCE obtain a CPCN for the proposed project, SCE invokes the exemption contained in Part II.A on the basis that those segments involve the “minor relocation of existing power line facilities.” SCE instead seeks a PTC for the proposed project as the undisputedly non-exempt components are designed for operation between 50 kV and 200 kV.

The reason for the “minor relocation” exemption from the requirement that utilities obtain Commission authority to construct, whether by CPCN or by PTC, is “to balance the need for environmental protection against our desire not to unnecessarily impede the utilities’ ability to provide service....”

(Decision (D.) 94-06-014, 55 CPUC2d 87, 103.) That reasoning does not apply in the circumstances of this application, as exempting the proposed project from the CPCN requirements would not avoid the need for the utility and staff to devote resources to perform an environmental review as part of the PTC requirements of GO 131-D.

Granted, the PTC procedure is more streamlined than the procedure required for a CPCN, as it is strictly limited to environmental review and does not address the need for and economic cost of the project. (55 CPUC2d at 101.) However, the reason for implementing the PTC procedure was that “under-200 kV projects pose little economic risk to ratepayers, and thus, absent the potential for environmental impacts and related California Environmental

Quality Act obligations, would not otherwise trigger Commission pre construction review.” (*Id.*) Again, that reasoning does not apply to the circumstances of this application, as this project involves over-200 kV facilities that are presumed to pose economic risk to ratepayers.

SCE points out that the Commission has previously exempted projects that similarly included arguably “minor relocation of existing power line facilities” greater than 200 kV as well as components designed for operation between 50 kV and 200 kV from the CPCN requirements, and authorized their construction pursuant to the less stringent PTC requirements. Specifically, D.08-12-031 (Application (A.) 07-02-022, El Casco System Project) and D.04-07-027 (A.03-03-043, Viejo System Project) approve those projects as properly seeking PTCs. In addition, the scoping ruling in Application 08-01-029 (Devers-Mirage 115 kV Subtransmission System Split Project) implicitly accepts SCE’s premise that the application is appropriately reviewed as a PTC by identifying the scope of issues consistent with the PTC procedure. However, with respect to the El Casco and Devers-Mirage projects, it appears that this issue was not raised or directly addressed in those application. With respect to the Viejo project, the stated reason for reviewing that application as a PTC is that the project will operate at below 200 kV, and the decision explicitly states that the “minor relocation” exemption does not apply. (D.04-07-027, p. 7.) Thus, these prior decisions and ruling are neither instructive nor determinative of how we should review the application before us today.

SCE asks that the Commission provide guidance as to the length of the transmission line that SCE may relocate in order to connect a new substation to its existing system pursuant to the “minor relocation” exemption of GO 131-D. As I decline to exercise the “minor relocation” exemption for reasons unrelated

to the length of the connecting transmission lines, that issue is not properly before me. I encourage SCE to consult with Energy Division to determine whether any future project is appropriately exempt from Commission review by virtue of the "minor relocation" exemption.

The Docket Office shall change the caption of this application to read as follows:

In the Matter of the Application of SOUTHERN  
CALIFORNIA EDISON COMPANY (U338E) for a  
Certificate of Public Convenience and Necessity for the  
Alberhill System Project

By no later than March 12, 2010, SCE shall pay any necessary fees pursuant to Rule 1.16 of the Commission's Rules of Practice and Procedure and may file an amendment to this application to provide any information it deems necessary by virtue of this change.

**IT IS SO RULED.**

Dated March 3, 2010, at San Francisco, California.

/s/ MICHAEL WHEELER for

Dian Grueneich  
Assigned Commissioner

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Dated March 3, 2010, at San Francisco, California.

/s/ SANDRA M. JACKSON

Sandra M. Jackson

**N O T I C E**

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