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FILED
09-22-11
08:56 AM

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Facilities with Voltages Between 50 kV and 200 kV: Presidential Substation Project.	Application 08-12-023 (Filed December 22, 2008)

ADMINISTRATIVE LAW JUDGE'S RULING SETTING SECOND PREHEARING CONFERENCE

This ruling sets a second prehearing conference in the above-entitled matter for Thursday, October 18, 2011, at 10:00 a.m., at the Palm Garden Hotel, 495 N. Ventu Park Road, Thousand Oaks, California 91320. The purpose of the second prehearing conference is to determine the issues, schedule of evidentiary hearings and legal briefing, and other procedural matters.

As discussed in the June 4, 2009, ruling setting the June 25, 2009, prehearing conference and at that conference, this application is governed by General Order (GO) 131-D. Pursuant to GO 131-D, in order to issue a permit to construct, the Commission must find that the project complies with the California Environmental Quality Act (CEQA)[1] and with the Commission's policies governing the mitigation of electromagnetic field effects (EMF). CEQA requires the lead agency (the Commission in this case) to conduct a review to

[1] Public Resources Code Section 21000, et seq.

identify environmental impacts of the project (CEQA Guidelines § 15126.2), and ways to avoid or reduce environmental damage (CEQA Guidelines §§15126.4 and 15126.6), for consideration in the determination of whether to approve the project or a project alternative. If the Commission approves a project which results in significant unavoidable environmental impacts, it must state the overriding considerations for doing so, i.e., the specific economic, legal, social, technological, or other benefits of the project that outweigh the adverse environmental impacts. (CEQA Guideline § 15093.) The Commission may not approve a project *other* than the environmentally superior alternative unless the mitigation measures or the alternative is infeasible. (CEQA Guideline § 15091.) Prior to approving the project or a project alternative, the lead agency must certify that the environmental review was conducted in compliance with CEQA, that it reviewed and considered the environmental review document prior to approving the project or a project alternative, and that the environmental review document reflects its independent judgment. (Pub. Res. Code § 21082.1(c)(3), CEQA Guidelines § 15090.)

On September 16, 2011, the Commission's Energy Division issued a draft Environmental Impact Report (EIR) identifying significant adverse impacts that will result from the proposed substation project, and alternatives for reducing or avoiding them. As was discussed at the June 25, 2009, prehearing conference, I do not anticipate taking further evidence on environmental impacts, ways to avoid or reduce them (including identification of the environmentally superior alternative), or whether the Commission should certify the final EIR as having been conducted in compliance with CEQA, beyond the admission of the draft and final EIRs. Persons who wish to address these matters should do so through

the informal CEQA process by submitting written comments on the draft EIR,[2] which must be received no later than October 31, 2011, and submitted to:

Ms. Juralynne Mosley
c/o Environmental Science Associates
1425 N. McDowell Blvd., Suite 200
Petaluma, California 95954
Attn: Presidential Substation Project
Phone: (415) 962-8409
Fax: (415) 896-0332
Email: presidentialsub@esassoc.com

The Energy Division will also hold a public comment meeting to receive oral and written comments, which will be held on Thursday, October 13, 2011, from 6:30 to 8:30 p.m., at the Palm Garden Hotel, 495 N. Ventu Park Road, Thousand Oaks, California 91320.

The draft EIR does, however, raise additional factual issues that may be addressed outside of comments on the draft EIR. Specifically, the draft EIR further determines that "System Alternative B" is the environmentally superior alternative and would not result in any significant unavoidable impacts, while all other project alternatives (other than the "no project" alternative) would result in significant unavoidable impacts. Therefore, as discussed above, the Commission may not approve a project other than "System Alternative B" unless that project alternative is infeasible and only upon finding that overriding considerations merit approval of a project alternative that has unavoidable significant impacts.

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[2] A person does not need to be a party to this proceeding in order to submit comments on the draft EIR, and all such comments will be attached to the final EIR and thereby submitted into the formal record of this proceeding. However, a person must be a party in order to offer or cross-examine evidence on other issues, and to submit legal briefs on any and all issues. See Rule 1.4 of the Commission's Rules of Practice and Procedure.

Against this background, the prehearing conference will explore the need for further evidence on issues of infeasibility of project alternatives, overriding considerations that merit project approval, and EMF mitigation compliance. In addition, the prehearing conference will explore a schedule for the submission of legal briefs.

If you have questions about the hearing date, time or place, call the Calendar Clerk at (415) 703-1203.

IT IS SO RULED.

Dated September 22, 2011, at San Francisco, California.

/s/ HALLIE YACKNIN
Hallie Yacknin
Administrative Law Judge