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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) 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 PREHEARING CONFERENCE AND
PUBLIC PARTICIPATION HEARING**

This ruling sets a prehearing conference and a public participation hearing on June 25, 2009 at the Palm Garden Hotel, Palm II Room, 495 N. Ventu Park Road, Thousand Oaks, California 91320. The prehearing conference will start at 1:30 p.m. and the public participation hearing will start at 3 p.m.

Background of the Formal Proceeding

Southern California Edison Company's (SCE) proposed Presidential Substation Project consists of the 1) construction of a new 66/16 kilovolt (kV) distribution substation; 2) replacement of approximately 3.5 miles of distribution lines with 66 kV subtransmission lines (replacement of approximately 79 distribution poles and 5 subtransmission poles with approximately 83 subtransmission poles); 3) construction of four new underground 16 kV getaway lines at the substation; and 4) installation of new fiber optic cable and communication equipment to connect the substation to SCE's existing telecommunications system. Formal protests were filed and letter protests were received during the protest period that was extended to February 20, 2009 by

administrative law judge ruling.¹ Parties suggested alternatives to the proposed project, raised health and safety concerns, alleged environmental impacts, and questioned the need for the proposed project. SCE filed a response to the protests on March 2, 2009 and addressed issues raised in the protests.

Permit to Construct Application

Pursuant to General Order (GO) 131-D, the Commission must find a project complies with the California Environmental Quality Act (CEQA) before issuing a permit to construct. CEQA requires that, prior to approving the project or a project alternative, the lead agency (the Commission in this application) certify that the Environmental Impact Report (EIR) was completed in compliance with CEQA, that it reviewed and considered the EIR prior to approving the project or a project alternative, and that the EIR reflects the Commission's independent judgment. (Pub. Res. Code § 21082.1(c)(3), CEQA Guidelines § 15090.)² CEQA requires the lead agency to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage before deciding whether to approve the proposed project or a project alternative. The lead agency cannot approve a project unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment, where feasible, and determines that any unavoidable remaining significant effects are acceptable due to overriding considerations.

¹ Some parties filed protests and sent letter protests.

² In addition, pursuant to GO 131-D and Decision 06-01-042, the Commission will consider whether the project (or project alternative) design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures. The Commission will not consider the sufficiency of the Commission's adopted EMF policies.

The Commission will review this application by the environmental process (discussed below) and the formal process, which may include evidentiary hearings. The formal review of the application will continue with a prehearing conference and public participation hearings. The formal process leading to a decision may include formal testimony and hearings with the opportunity for cross-examination on limited issues to determine whether any facts could support approval of the proposed project and/or a project alternative, due to overriding considerations, even though there remain significant and unavoidable environmental impacts. The formal process will not relitigate the EIR. The decision on the permit to construct will review the Final EIR and may approve the utility's proposed project, an alternate project, or no project. The formal process will be further discussed at the prehearing conference.

Environmental Review Process

The Commission's Energy Division, which is conducting the required environmental review, has determined that it will prepare an EIR for the proposed project. The environmental review process is underway and is occurring outside the Commission's formal process for consideration of the permit to construct application. Opportunities for public comment have been given in the scoping process. Public comment also will be taken on the Draft EIR after it is issued this summer. The EIR will inform the Commission, and the public in general, of the significant environmental impacts of the proposed project and alternatives, design a recommended mitigation program to reduce any potentially significant impacts, and identify the environmentally superior alternative. When the Final EIR is completed, it will be admitted into the formal record of the proceeding.

Prehearing Conference and Public Participation Hearings

Notice is hereby given that a prehearing conference and a public participation hearing in the above-entitled matter are set for Thursday, June 25, 2009 at the Palm Garden Hotel, Palm II Room, 495 N. Ventu Park Road, Thousand Oaks, California 91320, at the following times:

Prehearing Conference: 1:30 p.m.

Public Participation Hearing: 3 p.m.

The prehearing conference will identify the issues to be addressed, the preliminary schedule of the formal proceeding, including testimony and hearings, if necessary, and other procedural matters pursuant to Rule 7.2 of the Commission's Rules of Practice and Procedure. The prehearing conference will focus on these procedural matters in order to enable the Commission to reach a decision on the permit to construct, including review of the Final EIR in the formal proceeding. A transcript of the prehearing conference will be prepared. Members of the public who solely wish to offer public comment need not attend the prehearing conference.

The public participation hearing provides an opportunity for interested members of the public to make their views known to the Commission. A representative from the Commission's Public Advisor's Office will be available to assist the public at this hearing. Comments at the public participation hearing may address all relevant issues pertaining to the proposed project. Comments at the public participation hearing are not testimony and are not sworn or subject to cross-examination. A transcript of the public participation hearing will be prepared.

IT IS RULED that a prehearing conference and a public participation hearing are set for Thursday, June 25, 2009, as set forth herein.

Dated June 4, 2009, at San Francisco, California.

 /s/ JANICE GRAU
Janice Grau
Administrative Law Judge

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Last Updated on 04-JUN-2009 by: JVG
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