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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SAN DIEGO GAS & ELECTRIC COMPANY (U902E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV and New Substations With High Side Voltages Exceeding 50 kV: The East County Substation Project.

Application 09-08-003
(filed August 10, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING
RESETTING PREHEARING CONFERENCE**

This ruling resets the prehearing conference in the above-entitled matter for Friday, February 18, 2011, at 10:00 a.m., in the San Diego State Office Building, 6th floor, Courtroom 1-6003, 1350 Front Street, San Diego, California.

The purpose of the prehearing conference is to determine the parties, positions of the parties, issues, schedule of evidentiary hearings and legal briefing, and other procedural matters.

Pursuant to General Order 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 CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project

alternative. These issues are properly addressed in the course of the CEQA environmental review process. The Commission has undertaken this environmental review in conjunction with the Bureau of Land Management (BLM). The agencies issued a Joint Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS) on December 24, 2010. Public review and comment on the Joint DEIR/DEIS will end on February 16, 2010. Upon completion, the Joint Final Environmental Impact Report/ Environmental Impact Statement (FEIR/FEIS), as well as the DEIR/DEIS, will be admitted into the evidentiary record of this proceeding.

As will be further explained at the prehearing conference, I do not anticipate taking further evidence regarding environmental impacts and ways to avoid or reduce them, beyond the DEIR/DEIS and FEIR/FEIS. Parties who wish to present evidence on these issues should do so through written comments on the DEIR/DEIS, which must be received no later than February 16, 2011, and submitted to:

Iain Fisher, California Public Utilities Commission (CPUC)
Greg Thomsen, BLM
c/o Dudek
605 Third Street
Encinitas, CA 92024
e-mail: ecosub@dudek.com (CPUC project email) *or*
catulewind@blm.gov (BLM project email)

CEQA precludes the lead agency from approving a proposed project unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment where feasible, and determines that any

¹ Public Resources Code Section 21000, *et seq.*

unavoidable remaining significant effects are acceptable due to overriding considerations. The prehearing conference will explore the parties' positions and need for evidentiary hearing on these issues.

CEQA requires that, prior to approving the project or a project alternative, the lead agency certify that the environmental review was conducted 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 its independent judgment. (Pub. Res. Code § 21082.1(c)(3), CEQA Guidelines § 15090.) As will be further explained at the prehearing conference, I do not anticipate taking evidence regarding these issues, beyond the DEIR/DEIS and FEIR/FEIS.

In addition, General Order 131-D requires that project design be in compliance with the Commission's policies governing the mitigation of electromagnetic field effects using low-cost and no-cost measures. The prehearing conference will explore the parties' positions and need for evidentiary hearing on these issues.

Whether or not further evidence is taken on them, all issues within the scope of the proceeding are appropriate subjects for legal briefing.

Parties desiring expedited or daily transcripts should advise the Chief Hearing Reporter by telephone at (415) 703-2288, no later than three days prior to the first day of hearing.

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

IT IS SO RULED.

Dated January 26, 2011, at San Francisco, California.

/s/ HALLIE YACKNIN
Hallie Yacknin
Administrative Law Judge

