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

Application of Pacific Gas and Electric Company, a California corporation, for a Permit to Construct the Shepherd Substation Project Pursuant to General Order 131-D (U39E).

Application 10-12-003  
(Filed December 8, 2010)

**ADMINISTRATIVE LAW JUDGE'S RULING SCHEDULING A PREHEARING CONFERENCE, ALLOWING FOR CERTAIN TELEPHONIC PARTICIPATION, AND REQUIRING PREHEARING CONFERENCE STATEMENTS**

On December 8, 2010, Pacific Gas and Electric Company (PG&E) filed an application for Commission approval of a Permit To Construct (PTC) the Shepherd Substation Project pursuant to General Order (GO) 131-D. Parties filed protests to the application on January 10 and January 18, 2011.<sup>1</sup> On May 21, 2012, the Commission Energy Division issued a draft Mitigated Negative Declaration (MND) for the proposed project for a 30-day public review and comment period. This Ruling schedules a Prehearing Conference (PHC) in San Francisco, permits attendance telephonically for parties not located in San Francisco, and requires PHC statements.

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<sup>1</sup> The Division of Ratepayer Advocates filed a timely protest on January 10, 2011. Greg Johnson filed a late protest on January 18, 2011.

### **PTC Application Requirements**

GO 131-D defines an electric “power line” as one designed to operate between 50 kV and 200 kV,<sup>2</sup> and requires utilities to first obtain Commission authorization, in the form of a PTC, before beginning construction of a power line.<sup>3</sup> GO 131-D requires PTC applications to:

1. Include a description of the proposed facilities and related costs, a map, reasons the route was selected, positions of the government agencies having undertaken review of the project and a Proponents’ Environmental Assessment;<sup>4</sup>
2. Show compliance with the provisions of CEQA related to the proposed project, including the requirement to meet various public notice provisions;<sup>5</sup> and
3. Describe the measures to be taken or proposed by the utility to reduce the potential for exposure to electric and magnetic fields (EMF) generated by the proposed project.<sup>6</sup>

However, PTC applications for power lines need not include a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule or a detailed description of construction methods beyond that required for CEQA compliance.<sup>7</sup>

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<sup>2</sup> General Order 131-D, Section I.

<sup>3</sup> *Id.*, Section III.B.

<sup>4</sup> *Id.*, Section IX.B.1.

<sup>5</sup> *Id.*, Section IX.B.2-5.

<sup>6</sup> *Id.*, Section X.

<sup>7</sup> *Id.*, Section IX.B.1.f.

## **PHC**

The PHC is scheduled for Thursday, June 21, 2012, commencing at 1:30 p.m. in the Commission hearing rooms at 505 Van Ness Avenue, San Francisco, CA 94102. The purpose of a PHC is to address the need for hearings, the issues to be considered in this proceeding, a timetable for resolving the issues, and other procedural matters.

Given the distance between Clovis, CA, the location of the proposed project in this application, and San Francisco, the location of the PHC, I will permit the protestant, Greg Johnson, to participate in the PHC remotely by telephone. Approximately 10 minutes prior to the commencement of the proceeding, Mr. Johnson shall call 1-877-347-9604 in order to establish a link prior to the start of the PHC. When prompted for a code, dial 771069. All other parties shall participate in person as the PHC will be transcribed by a reporter.

## **PHC Statements**

Subsequent to the original filing of the applications and related protests in this proceeding, two events have occurred that directly impact this proceeding. On December 2, 2011, PG&E filed an amendment to its application. On May 21, 2012, Energy Division issued a draft MND for public review. As a result of these events, it is possible that positions on issues may have changed or issues may be resolved. Thus, parties shall file and serve PHC statements on June 15, 2012. The PHC statements shall contain an overview of the party's specific concerns regarding the application, within the confines of GO 131-D.

### **Service List, Filing and Service of Documents**

Parties must file certain documents as required by the Commission Rules of Practice and Procedure<sup>8</sup> (Rules) or in response to rulings by either the assigned Commissioner or the assigned ALJ. All formally filed documents must be filed with the Commission's Docket Office and served on the service list for the proceeding. Article 1 of the Rules contains all Commission filing requirements.

Parties are encouraged to file and serve electronically, whenever possible. This proceeding will follow the electronic service protocols adopted by the Commission in Rule 1.10 for all documents, whether formally filed or just served. This Rule allows electronic service of documents, in a searchable format, unless the party or state service list member did not provide an e-mail address. If no e-mail address was provided, service should be made by U.S. mail. Concurrent e-mail service to ALL persons on the service list for whom an e-mail address is available, including those listed under "Information Only," is required. Parties are expected to provide paper copies of served documents upon request. In addition, parties should provide the assigned Commissioner and ALJ with paper copies. More information about electronic filing is available at <http://www.cpuc.ca.gov/puc/efiling>.

Parties are responsible for ensuring that the correct information is contained on the service list, and notifying the Commission's Process Office and other parties of corrections or ministerial changes. (Rule 1.9(e).) Substantive changes (e.g., to be added or removed as a party) must be made by motion. Motions to become a party must conform to Rule 1.4(a) and (b). Over the course

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<sup>8</sup> [http://docs.cpuc.ca.gov/WORD\\_PDF/AGENDA\\_DECISION/143256.PDF](http://docs.cpuc.ca.gov/WORD_PDF/AGENDA_DECISION/143256.PDF)

of the proceeding, parties must use the most current service list each time service is performed. The service list for this proceeding is on the Commission's web site at: [http://docs.cpuc.ca.gov/published/service\\_lists/A1012003\\_79636.htm](http://docs.cpuc.ca.gov/published/service_lists/A1012003_79636.htm).

**IT IS RULED** that:

1. A Prehearing Conference in this proceeding will be conducted beginning at 1:30 p.m. on Thursday, June 21, 2012, in the Commission Hearing Room, 505 Van Ness Avenue, San Francisco.
2. At the Prehearing Conference, parties will be asked to address the matters set forth in this Ruling.
3. The protestant, Greg Johnson, may participate in the prehearing conference remotely by telephone as described in this Ruling. The toll-free participant call-in number is 1-877-347-9604. When prompted, please dial 771069. All other participants shall participate in person.
4. Parties shall file and serve Prehearing Conference statements, as described above, no later than June 15, 2012.

Dated June 4, 2012 at San Francisco, California.

          /s/ KELLY A. HYMES            
Kelly A. Hymes  
Administrative Law Judge