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PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Item # 18 I.D.# 6252
ENERGY DIVISION **RESOLUTION E-4037**
January 11, 2007

R E S O L U T I O N

Resolution E-4037. Pacific Gas & Electric Company (PG&E). This resolution approves PG&E's Advice Letter 2826-E seeking authority under Public Utilities Code Section 851 to grant the county of Yuba (the "County") three easements for public access over PG&E property. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-186 granting expedited treatment to utility proposals meeting certain requirements.

By Advice Letter 2826-E. Filed on May 10, 2006

SUMMARY

This resolution approves PG&E's Advice Letter 2826-E seeking authority under Public Utilities Code Section 851 to grant the County of Yuba (the "County") three easements for public access over PG&E property. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-186 granting expedited treatment to utility proposals meeting certain requirements. Advice Letter 2826-E was processed pursuant to Resolution ALJ-186, Appendix B, Section III.A.1.c, providing for expedited action for transactions where the Commission is a Responsible Agency under the California Environmental Quality Act (CEQA). This Resolution is effective immediately.

BACKGROUND

Utilities proposing to sell, lease, dispose of, or otherwise encumber property necessary or useful in the performance of their duties to the public must comply with PU Code Section 851. Ordinarily, such a proposal would entail a full application to the Commission, including a review pursuant to CEQA or a demonstration that such a review is not necessary. The Commission has initiated a pilot program per Resolution ALJ-186 that provides for an expedited process for certain transactions meeting criteria specified in this resolution. For proposals that meet the requirements of Resolution ALJ-186, an advice letter may

be filed demonstrating the applicability of the pilot program to the utility's proposal and requesting an expedited review of the advice letter, resulting in a resolution confirming that the proposal meets the requirements of Resolution ALJ-186 and granting approval to the proposed project.

On May 10, 2006, PG&E filed Advice Letter 2826-E pursuant to the pilot program requesting authority to grant the County three easements for public access over PG&E property. Protests or comments were due to the Commission on June 9, 2006; no protests or comments were filed.

PG&E requests permission to grant the County three easements to construct, maintain and use major public access roads for subdivision access across PG&E's electric transmission fee¹ strip property (the "Property") as part of a subdivision improvement project located in the Olivehurst area of Yuba County (the "Project") as more specifically provided in the Easement Agreement ("Agreement"). The PG&E property consists of PG&E fee¹ land and the PG&E facilities situated on that land.

The Property consists of approximately 3.7 acres located east of Arboga Road at Ella Road in the Olivehurst area of Yuba County, California, and is currently dedicated to PG&E's Bogue Loop 115 kV transmission line corridor. The Property is designated as Assessors Parcel Number 13-370-039 as well as State Board of Equalization Number 135-58-024A, Parcel 2, and with the exception of PG&E's transmission line, is currently vacant and undeveloped.

As part of the Thoroughbred Estates residential subdivision project, the County has requested from PG&E three public road easements for the widening of Arboga Road and the construction of two new public roads within PG&E's transmission tower line right-of-way in conjunction with the Thoroughbred Acres Subdivision. Parcel 1 is an easement for a small triangular-shaped parcel that will be used for widening an existing county road (Arboga Road). Parcel 2 is an easement for a public road measuring approximately 84 feet in width and crossing the Property at approximately 90 degrees for the future Eugene Road. Parcel 3 is an easement for a public road measuring approximately 42 feet in

¹ Fee property is the term used for property owned by an individual, company, etc. "Absolute ownership without limitations, an interest that can be sold".

width and crossing the Property at approximately 90 degrees for the future road of Biglow Drive.

Once construction of the roads is completed, the County will continue to repair, maintain and use all of the roads for public access. One existing electric transmission tower is located in the easement area at Biglow Drive. A requirement in the easement grant calls for the installation of a flex-beam guardrail to protect the transmission tower from oncoming traffic. The proposed public streets to be placed within the easement area will include curbs, gutters, sidewalks, storm drains and water mains. The Project will not interfere with PG&E's existing facilities.

The County, acting as lead agency under CEQA, has conducted a CEQA review and issued a Mitigated Negative Declaration ("MND"). Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because any potential significant effects are mitigated to non-significant levels based on the mitigation measures outlined in the Mitigated Negative Declaration.

The County voted to adopt the MND and issued Resolution 2004-0007 on May 19, 2004. In this instance, the Commission is acting as a Responsible Agency pursuant to Public Resources Code Section 21069 and CEQA Guidelines Section(s) 15096(e) - (i).

NOTICE

Notice of AL 2826-E was made by publication in the Commission's Daily Calendar. PG&E states in AL 2826-E that a copy of the Advice Letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

PROTESTS

No protests or comments to PG&E Advice Letter 2826-E were filed.

DISCUSSION

The Energy Division has reviewed PG&E's Advice Letter 2826-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-186 Section II.A.1. Additionally, 2826-E satisfies the filing requirements specified in Section III.B.1.a-k of Resolution ALJ-186 and includes all of the information necessary to provide a satisfactory review of PG&E's proposed easements.

The Energy Division has independently reviewed the Final MND prepared by the County of Yuba and finds that it was prepared pursuant to CEQA that it is adequate for the Commission's decision-making purposes.

The Energy Division finds that expedited treatment pursuant to Section III.A.1.c of Resolution ALJ-186 is appropriate for 2826-E and that is no reason to deny the approval of Advice Letter 2826-E exists pursuant to Section III.A.2 of Resolution ALJ-186.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g) (2), the otherwise applicable 30-day period for public review and comment is being waived.

FINDINGS

1. On May 10, 2006, PG&E filed Advice Letter 2826-E pursuant to the pilot program requesting authority to grant the County of Yuba (the "County") three easements for public access over PG&E property.
2. Protests or comments were due to the Commission on June 9, 2006; no protests or comments were filed.
3. PG&E requests permission to grant the County three easements to construct, maintain and use major public access roads for subdivision access across PG&E's electric transmission fee strip property (the "Property") as part of a subdivision improvement project located in the Olivehurst area of Yuba County (the "Project") as more specifically provided in the Easement Agreement ("Agreement").

4. The PG&E property consists of PG&E fee land and the PG&E facilities situated on that land.
5. The Property consists of approximately 3.7 acres located east of Arboga Road at Ella Road in the Olivehurst area of Yuba County, California and is currently dedicated to PG&E's Bogue Loop 115 kV transmission line corridor.
6. The Property is designated as Assessors Parcel Number 13-370-039 as well as State Board of Equalization Number 135-58-024A, Parcel 2, and with the exception of PG&E's transmission line, is currently vacant and undeveloped.
7. As part of the Thoroughbred Estates residential subdivision project, the County has requested from PG&E three public road easements for the widening of Arboga Road and the construction of two new public roads within PG&E's transmission tower line right-of-way in conjunction with the Thoroughbred Acres Subdivision.
8. Parcel 1 is an easement for a small triangular-shaped parcel that will be used for widening an existing county road (Arboga Road).
9. Parcel 2 is an easement for a public road measuring approximately 84 feet in width and crossing the Property at approximately 90 degrees for the future Eugene Road.
10. Parcel 3 is an easement for a public road measuring approximately 42 feet in width and crossing the Property at approximately 90 degrees for the future road of Biglow Drive.
11. Once construction of the roads is completed, the County will continue to repair, maintain and use all of the roads for public access. One existing electric transmission tower is located in the easement area at Biglow Drive. A requirement in the easement grant calls for the installation of a flex-beam guardrail to protect the transmission tower from oncoming traffic.
12. The proposed public streets to be placed within the easement area will include curbs, gutters, sidewalks, storm drains and water mains.
13. The Project will not interfere with PG&E's existing facilities.
14. The County has conducted a CEQA review and issued a Mitigated Negative Declaration ("MND").
15. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because any potential significant effects are mitigated to non-significant levels based on the mitigation measures outlined in the Mitigated Negative Declaration.
16. The County voted to adopt the MND and issued Resolution 2004-0007 on May 19, 2004.

17. The Energy Division has reviewed PG&E's Advice Letter 2826-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-186 Section II.A.1.
18. Additionally, 2826-E satisfies the filing requirements specified in Section III.B.1.a-k of Resolution ALJ-186 and includes all of the information necessary to provide a satisfactory review of PG&E's proposed easement.
19. The Energy Division has independently reviewed the Final MND prepared by the County of Yuba and finds that they were prepared pursuant to CEQA and that they are adequate for the Commission's decision-making purposes.
20. The Energy Division finds that expedited treatment pursuant to Section III.A.1.c of Resolution ALJ-186 is appropriate for 2826-E and that no reason to deny the approval of Advice Letter 2826-E exists pursuant to Section III.A.2 of Resolution ALJ-186.

THEREFORE IT IS ORDERED THAT:

1. The Final MND prepared by the County of Yuba for Public Road Easement is certified pursuant to CEQA Guidelines Section 15096(i) as having been reviewed and considered prior to approving the project and that it reflects our independent judgment and analysis. The Energy Division is directed to file a Notice of Determination with the State Clearinghouse, Office of Planning and Research to that effect.
2. The request of Pacific Gas & Electric for approval to grant the County of Yuba ("the County") three easements for public access over PG&E Advice Letter 2826-E is approved.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on January 11, 2007; the following Commissioners voting favorably thereon:

STEVE LARSON
Executive Director