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9
10 BEFORE THE PUBLIC UTILITIES COMMISSION
11 OF THE STATE OF CALIFORNIA
12

13 In the Matter of the Application of SOUTHERN
14 CALIFORNIA EDISON COMPANY (U 338-E)
15 for a Certificate of Public Convenience and
16 Necessity for the San Joaquin Cross Valley Loop
17 Transmission Project.

18 Application 08-05-039
19 (Filed May 30, 2008)

20 **OPENING BRIEF OF THE CITY OF FARMERSVILLE**

21 The City of Farmersville hereby submits its opening brief in opposition to the application
22 of Southern California Edison Company (SCE) for a Certificate of Public Necessity and
23 Convenience.

24 **I. SUMMARY OF RECOMMENDATIONS**

25 The City of Farmersville recommends that the Commission reject the San Joaquin Cross
26 Valley Loop 220KV Transmission Line Project (“**Proposed Project**”) as proposed by SCE (i.e.
27 **Alternative 1**). This is because it is not the environmentally superior alternative based on its
28 significant, adverse and unmitigatable environmental impacts to farmland, aesthetics,
recreation/park areas, community values, and economic and social effects resulting from the loss
of a new large scale commercial/industrial park where SCE’s new right-of-way (ROW) would
be. In rejecting Alternative 1, it is recommended that the Commission find that this alternative’s
significant environmental impacts on aesthetics, recreational/park areas, community values,

1 social and economic effects, at least as to Farmersville, were not adequately considered in the
2 Final Environmental Impact Report (**FEIR**).

3 The City of Farmersville also recommends that the Commission either not certify the
4 FEIR because its consideration of Alternative 3A is legally deficient, or only certify the FEIR
5 upon a finding that Alternative 3A is the environmentally superior alternative for which the
6 Certificate of Public Necessity and Convenience will be approved for.

7
8 **II. SUMMARY OF TESTIMONY, COMMENTS AND EVIDENCE SUBMITTED BY**
9 **FARMERSVILLE CITY MANAGER**

10 The City of Farmersville is located in Tulare County in the heart of central California and
11 is at the base of the Sierra Nevada mountain range, which is home to Sequoia National Park and
12 Forest. Farmersville is the third oldest community in Tulare County, dating back to the early
13 1850's and has a population of more than 10,500 residents of which 72% are Hispanic. The City
14 has a population of approximately 10,500 and has a median household income of \$27,682.

15 Tulare County is one of the most economically distressed areas in California. In 1998,
16 the State created and designated a Targeted Tax Area within Tulare County (the only one in the
17 State) to provide tax incentives to the entire region to alleviate the high rate of poverty and
18 unemployment. While the region has experienced some growth in employment and income
19 levels within the past few years, it has also been hit hard economically in the recent past. In
20 early 2007, the region was plagued by one of the most devastating freezes in history resulting in
21 the loss of approximately 75% of the citrus crops and major job losses. Farmersville's
22 population is predominantly employed in the agriculture industry.

23 Less than 3,900 people are employed within Farmersville and it continues to have one of
24 the highest unemployment rates among cities within Tulare County. Since the housing market
25 meltdown, a near-total halt in construction activity has resulted in additional job losses. The
26 unemployment rate for the entire county is 14.3% and 17.8% within the City of Farmerville,
27 according to State of California Employment Development Department.

1 The most recent poverty data (2005) shows 23.2% of the Farmersville population are in
2 poverty and the per capita income is \$12,000 less than the nationwide average (Indiana Business
3 Research Center). The City of Farmersville, while having a centralized location within the
4 county, has struggled to foster economic development due to its small size, lack of revenue
5 sources that other cities within the region have and its low income status. For this reason,
6 Farmerville diligently pursued developers for a commercial and industrial park located at the
7 northeast section of the City, next to Highway 198 and Farmersville Boulevard (approximately
8 111+/- acres). Due to these efforts, Farmersville's redevelopment agency has entered into an
9 exclusive negotiating agreement with a developer for the Commercial/Industrial Park projects.

10 SCE's Proposed Project Alternative 1 would halt and obstruct the Farmersville
11 Commercial/Industrial Park projects. Without this Commercial/Industrial Park the City would
12 stand to lose over \$500,000 annually in sales tax revenues, over \$186,500 annually in property
13 tax revenues and over 925 new jobs, all of which are critical to the operations and revitalization
14 of Farmersville and which would generate funding for critical public services.

15 Investment Impact

16 The Commercial/Industrial Park will consist of a regional shopping center with the
17 potential of providing new property tax revenue for local government, over \$500,000 in new
18 sales tax and over 425 new jobs created *initially*. In addition, initially approximately \$140,000
19 in new property tax revenues will be generated, eventually increasing to over \$186,500 annually
20 in property tax revenues after completion.

21 After development, the Industrial Park is projected to have an additional direct impact of
22 approximately 500 new higher-skilled and higher-wage jobs and will result in approximately
23 \$42.25 million in private investments. Also after development, approximately \$46,500 in new
24 and additional property tax revenues would be generated and an additional undetermined amount
25 of revenues from sales tax from expenditures by companies who relocate into the proposed
26 Industrial Park from locations outside of Farmersville.

27 The present downturn in the economy reduced the City's property tax revenue by 11% for
28 the 2009/2010 fiscal year and a 25% reduction is projected for the 2010/2011 fiscal year. The

1 City presently has no major retail outlet. The City's sales tax allocation was slightly above
2 \$300,000 for the 2007/2008 fiscal year and less thereafter. The State Board of Equalization
3 reduced sales tax reimbursements to the City by 25% for the 2008/2009 fiscal year. The
4 cumulative effect of these reductions will amount to the laying off of 3 or 4 police officers and
5 additional reductions in services.

6 The City is barely able to pay for an animal control officer and code enforcement officer
7 through temporary grant funding which has also been used to fund one police officer position.
8 When these temporary grants end, the City will have to forego these critical positions. The
9 planned regional commercial shopping center and industrial park would generate the additional
10 tax revenues that would fund these critical public services permanently. It would also allow the
11 City to manage recreation activities for at-risk youth (and others) that would improve the health
12 and well being of the community at large.

13 The City was only able to budget \$7,000 this fiscal year for community recreational
14 activities. The City has 19 acres of developed park land which costs at least \$247,000 annually
15 to properly maintain. This fiscal year the City could only afford to budget \$141,000. The City
16 has already obtained property to build a recreational Sports Park with sufficient fields to allow
17 City-sponsored youth sports, but the cost to maintain the Sports Park is alone projected to be
18 \$320,000. The City cannot even be considered for grants to complete the construction of the
19 Sports Park until the City can afford to fund its maintenance.

20 If the Commercial/Industrial Park project is allowed to proceed as planned, it will
21 generate the revenue needed by the City to fund critical public services that will directly improve
22 recreational and park areas, which would otherwise fall into blight, and thereby provide positive
23 community-wide social effects. However, if SCE's Alternative 1 were allowed to proceed, it
24 would cause the developer of the Commercial/Industrial Park to withdraw since the new right-
25 of-way (ROW) would cross directly through the site of the proposed Commercial/Industrial
26 Park, which is prime commercial land due to its visibility from Highway 198.

27 Farmersville's working class community places a high value on being a productive
28 member of the community. The present downturn in the economy left the Farmersville

1 community with a 17.8% unemployment rate. The new jobs that would be created with the new
2 regional shopping center and industrial park would promote the community's values by
3 providing an opportunity to be productive residents.

4 Alternative 1 would also divide the City by the creation of a 100-foot wide physical ROW
5 of undeveloped land and visual obstruction through the City of Farmersville existing City Limits
6 and Urban Development Area and would deprive the community of critical frontage along
7 Highway 198 which would be devastating to the planned Commercial/Industrial Park. The
8 project would thwart the City's efforts to achieve a well-planned and self-sufficient community
9 that supports efficient development and respects the aesthetic values of its citizens, as expressed
10 in the Farmersville General Plan Land Use, Circulation, Conservation/Open Space, Parks and
11 Recreation Elements adopted November, 2002 and the City of Farmersville Highway 198
12 Corridor Specific Plan adopted in 2003.

13 Impacts on Local Land-Use, Planning & Policies

14 The City has strategically planned on the development of the Highway 198 corridor since
15 2003, when it adopted a specific plan for the area and has targeted investments in major
16 infrastructure improvements to serve the impending Commercial/Industrial Park. Businesses in
17 the Commercial/Industrial Park as well a new training center will improve the job opportunities
18 for the City's residents.

19 As proposed by SCE in Alternative 1, the Proposed Project is entirely inconsistent with
20 Farmersville's formal land-use, planning and policies. Farmersville's planning policy documents
21 are designed to promote development that follows smart growth principles with efficient use of
22 land that fosters an aesthetic quality for the community that will promote community pride and
23 create a positive environment for economic prosperity.

24 The Proposed Project will displace 15+ acres of prime commercial and industrial land
25 within Farmersville, requiring expansion of the City's development boundaries, which would
26 occur on Prime Agricultural land, thereby eliminating additional Prime Agricultural land than
27 projected for the Proposed Project itself. The visual impact of the Proposed Project's
28

1 Alternative 1 will reduce the ability to attract consumers and preclude a positively aesthetic
2 entrance into Farmersville from Highway 198.

3 Specifically, the following is a list of Farmersville's official goals and policies that are in
4 conflict with the Proposed Project's Alternative 1:

5 Farmersville General Plan:

6 *Goals, Objectives and Policies*

- 7 • Create a community that portrays an image that is progressive and energetic
- 8 • Promote commercial development that is attractive
- 9 • Protect and preserve natural resources, such as farmland, air and water quality and
10 native vegetation while facilitating growth of the community
- 11 • Foster an attractive, clean and well-maintained community
- 12 • Ensure that adequate land exists for future commercial and industrial development
- 13 • The City shall take actions to establish an attractive development pattern along
14 lands fronting State Highway 198

15 Impacts on Aesthetics

16 The Proposed Project would traverse through Farmersville's existing City Limits and
17 Urban Area Boundary to the complete east-west extent. Negative visual of the views would be
18 experienced by the nearby residents and residents of Farmersville as they work, play, go to
19 school and go about their daily activities in their homes and throughout the community would be
20 very apparent.

21 These unsightly views of the poles and power lines would be apparent from the major
22 residential subdivisions in proximity of the route along Alternative 1, specifically those densely
23 populated subdivisions located west of Farmersville Avenue and north of Walnut Avenue, as
24 well as those at Farmersville High School. The Alternative 1 would also cause a substantial
25 alteration to the viewshed of the community as a whole.

26 The visibility of the route along Alternative 1 from points of high concentrations of
27 people in the community is obvious. The new proposed towers and lines are significantly more
28 visual than the existing wooden poles along the left side of Farmersville Boulevard. Alternative

1 1, consisting of a series of metal structures 120-foot to 160-foot tall, connected with
2 transmission lines, would create a visual band in the skyline across the entire east-west extent of
3 the entire City.

4 Liberty Park, located on the north side of Teddy Street (and south of Terry Avenue), west
5 of Farmersville Boulevard, is located only 1500 feet¹ from the route along Alternative 1 and
6 clearly there would be unobstructed views of the Proposed Project's Alternative 1 to all
7 community members trying to enjoy Liberty Park.

8 The Proposed Project will become the visual backdrop of the community if Alternative 1
9 is approved. The predominant visual feature entering the city from Highway 198 will be the
10 transmission lines. The predominant visual feature for those living/working south of the
11 Proposed Project will be the transmission lines which will obscure the scenic vista of the Sierra
12 Mountains.

13 Impacts on Agriculture Resources

14 The Proposed Project under Alternative 1 would displace 15+ acres of planned urban
15 development, as the transmission lines, would bisect land designated for Industrial and General
16 Commercial land-use. This estimate of displaced land does not take into consideration the land
17 designated for urban development that would be lost due to inefficiencies of land development
18 that would occur associated with impacts of the new 100-foot of SCE ROW cutting through
19 parcels making properties difficult to develop and inefficiencies of providing utilities and
20 infrastructure and local road systems in order to avoid requirements/restrictions of intrusion into
21 the ROW. Nor does this estimate or address the increased pressures to expand the Urban
22 Development Boundary and City Limits to provide replacement land eligible for development,
23 but which would be more distant to new transmission lines, since preferred development sites
24 will not be immediately adjacent to the new transmission lines and ROW.

25 Land that is now designated for urban use that will be displaced by Alternative 1 of the
26 Proposed Project would need to be replaced elsewhere. Soils in and around Farmersville are
27 considered "Prime Farmland". Expansion of development boundaries to accommodate the
28

¹ DEIR at pg. 4.10-6.

1 urban land lost due to impacts associated with the Proposed Project will lead to additional
2 permanent reduction of agricultural lands within the City.

3 The City supports PROTECT AGRICULTURE COMMUNITIES ENVIRONMENT
4 (P.A.C.E.) in recommending Alternative 3A. The City believes Alternative 3A is the
5 environmentally superior option based upon the fact that it would lessen impacts on agriculture
6 and has no negative impact on the City of Farmersville's economic, social and aesthetic effects as
7 well as park areas and community values.

8 Impacts on Recreation

9 The City of Farmersville Highway 198 Corridor Specific Plan provides for two storm
10 drainage park/ponds within the planning area. The plan states that "All ponding basins shall be
11 multi-use whenever possible..." The Proposed Project bisects the park/pond located north of
12 Avenue 291, between Farmersville Boulevard and Road 168, with the 100-foot wide
13 transmission line ROW. This will cause a loss of recreational opportunity, namely park areas.

15 III. DISCUSSION

16 Applicable Legal Framework

17 In relevant part, Public Utilities Code section 1002 requires the Commission to give due
18 consideration to aesthetic values, recreational and park areas and community values when
19 granting any Certificate of Public Convenience and Necessity:

20 (a) The commission, as a basis for granting any certificate pursuant
21 to Section 1001 *shall* give consideration to the following factors:

- 22 (1) Community values.
- (2) Recreational and park areas.
- 23 (3) Historical and aesthetic values...

[Public Utilities Code § 1002; Emphasis added.]

24 In relevant part, the California Environmental Quality Act (CEQA) guidelines provide
25 that a public agency shall not approve a project for which an Environmental Impact Report
26 (EIR) was prepared unless either the project has *no* significant environmental effects **or** the
27 agency has eliminated or lessened them, when feasible, and determined that any *remaining*
28 significant effects are acceptable based on overriding concerns. [14 C.C.R. § 15092(b).]

1 Regarding alternatives in the EIR, "...the discussion of alternatives shall focus on
2 alternatives to the project or its location which are capable of avoiding or substantially lessening
3 any significant effects of the project, even if these alternatives would impede to some degree the
4 attainment of the project objectives, or would be more costly." [14 C.C.R. § 15126.6(b);
5 Emphasis added.] In other words, the potential alternatives to the proposed project must include
6 those feasible projects that could at least substantially lessen at least one significant impact:

7 The range of potential alternatives to the proposed project shall
8 include those that could feasibly accomplish most of the basic
9 objectives of the project and could avoid or substantially lessen one
10 or more of the significant effects...

11 [14 C.C.R. § 15126.6(c); emphasis added.]

12 In order to eliminate any alternative from "detailed consideration" in an EIR, such
13 alternative must either fail to satisfy most of the proposed project's basic goals, be infeasible, or
14 be unable to avoid significant environmental effects:

15 ...among the factors that may be used to eliminate alternatives from
16 detailed consideration in an EIR are:(i) failure to meet most of the
17 basic project objectives, (ii) infeasibility, or (iii) inability to avoid
18 significant environmental impacts.

19 [14 C.C.R. § 15126.6(c); emphasis added.] The "rule of reason" discussed in the CEQA
20 guidelines provides, in relevant part, that "...the alternatives shall be limited to ones that would
21 avoid or substantially lessen any of the significant effects of the project." [14 C.C.R. §
22 15126.6(f); emphasis added.] Moreover, of those alternatives, "...the EIR need examine in
23 detail only the ones that the lead agency determines could feasibly attain most of the basic
24 objectives of the project." [14 C.C.R. § 15126.6(f); emphasis added.]

25 Although the CEQA guidelines initially seem to state that economic or social effects by
26 themselves cannot be treated as significant environmental effects, the guidelines later clarify that
27 economic or social effects can be used to conclude that a physical change resulted in an
28 environmentally significant impact:

 Where an EIR uses economic or social effects to determine that a
 physical change is significant, the EIR shall explain the reason for
 determining that the effect is significant.

1 [14 C.C.R. § 15131(b); emphasis added. See also 14 C.C.R. § 15064(e): "...Alternatively,
2 economic and social effects of a physical change may be used to determine that the physical
3 change is a significant effect on the environment..."]
4

5 The Physical Change That Would Occur at the Site of the Planned Commercial/Industrial
6 Park Site under Alternative 1 Would Be Significant Based on its Economic and Social
7 Effects Which Were not Adequately Considered in the FEIR.

8 The testimony, comments and other evidence provided by the Farmersville City Manager
9 establishes that Alternative 1 of the Proposed Project would result in a ROW bisecting the site of
10 the planned Commercial/Industrial Park project, making that site unusable for the planned
11 Commercial/Industrial Park.¹ Although the FEIR concedes that Alternative 1 would bisect the
12 parcel², it argues that as of the date of preparation of the EIR no application for development of
13 the bisected site has been submitted. The FEIR then argues that this fact alone makes the impact
14 "speculative". This argument is disingenuous in that it fails to acknowledge the lack of a
15 development application is circumstantial evidence that Alternative 1 of the Proposed Project is
16 actually deterring development applications. It also fails to explain how maps of Alternative 1
17 (including FEIR Figure 4.9-4) are speculative, when they clearly show the proposed ROW
18 bisecting the planned Commercial/Industrial Park's site.

19 A developer has entered into a development agreement with Farmersville's
20 redevelopment agency which shows interest in the planned Commercial/Industrial Park
21 development. The fact that development of this site has not commenced is a direct consequence
22 of the deterrent impact of the physical change proposed under Alternative 1. To that extent, the
23 proposed physical change to the planned Commercial/Industrial Park site would, and presently
24 does, have a significant effect because it precludes the City from receiving increased property
25 and sales tax revenues (which would be used for community recreation and parks areas) as well
26

27 ¹ See FEIR at pg. 3.1-8, Comment Letter O10 dated July 24, 2009, prepared testimony of Rene Miller served July 17,
28 2009 and other evidence submitted by Rene Miller.

² See FEIR, Response I66-2.

1 as precluding the creation of new jobs for the community. Aside from those immediate
2 economic impacts, social impacts are apparent in that less City funds for recreation for at-risk
3 youth will result in more gang activity, and less community members earning an income could
4 increase crimes (e.g. larcenies), especially since less police officer positions will be funded.

5 It is difficult to imagine how halting the development of the planned
6 Commercial/Industrial Park (because of the new ROW proposed by SCE under Alternative 1)
7 would result in positive economic and social consequences. The adverse consequences of
8 Alternative 1 militate toward denying Alternative 1 based on both CEQA factors and the factors
9 in Public Utilities Code section 1002.

10
11 The FEIR Failed to Adequately Consider Alternative 3A and Prematurely Dismissed it
12 From the Detailed Consideration Required Under CEQA.

13 Pursuant to section 15126.6(c) of the CEQA guidelines, in order to eliminate any
14 alternative from “detailed consideration” in an EIR, such alternative must either fail to satisfy
15 most of the proposed project’s basic goals, be infeasible, or be unable to lessen or avoid
16 significant environmental effects. On page 4.6-7, the FEIR does not dispute, and actually
17 concedes, that Alternative 3A would satisfy all of SCE’s project objectives and that Alternative
18 3A is feasible. Therefore, the only issue that can lawfully eliminate Alternative 3A from
19 detailed consideration in the EIR is whether Alternative 3A is unable to avoid significant
20 environmental impacts.

21 The FEIR never concludes that any environmental impact of Alternative 3A is significant.
22 [FEIR at pp. 4.6-8 to 4.6-12.] In fact, the FEIR concedes that Alternative 3A would impact less
23 farmland, only 21.8 acres of agricultural resources, some 10.1 or **32% less acreage** than the 31.9
24 acres of farmland impacted under Alternative 1. [See Table 4.6(RTC)-1 at FEIR pg. 4.6-11.]
25 This reduction would make Alternative 3A’s impact on agricultural resources less than
26 significant.

27 The FEIR’s cursory discussion of Alternative 3A also demonstrates a double standard in
28 that the factors used to prematurely dismiss this alternative from the required detailed

1 consideration legally required. In particular, the top three of the following four allegedly
2 “adverse” factors/reasons were disregarded as insignificant when applied to the City of
3 Farmersville but were treated as major issues as applied to the substantially smaller, and
4 unincorporated, Seville community under Alternative 3A:

- 5 1. Tulare County’s draft General Plan would establish a “Hamlet Development
6 Boundary” which would be inconsistent with Alternative 3A because it would
7 result in “loss of use” of at least 8 parcels;
- 8 2. “...Alternative 3A..., contrary to sound land use planning practice,...would bisect
9 several parcels rather than following parcel boundaries.”
- 10 3. “With regard to aesthetic impacts, Alternative 3A would result in approximately
11 2.4 miles of new...transmission line...There are four private residences that would
12 be in close proximity along this 2.4-mile segment of new line.”
- 13 4. “...one business (a turkey farm...) would have the new transmission line
14 immediately adjacent to its southern and eastern boundaries. Together with the
15 existing Big Creek – Rector transmission lines on its western boundary, this
16 business would become surrounded on three sides by transmission lines and
17 structures.”

18 With regard to items 1 and 2 above, Alternative 1 would bisect the planned
19 Commercial/Industrial Park which covers 111 acres and multiple parcels, resulting in the loss of
20 use of prime commercial real property. Although the FEIR labeled the bisection and loss of use
21 of parcels in Farmersville to be “speculative”, it failed to explain why the bisection and loss of
22 use in Seville is not similarly speculative, especially in light of the fact that the “Hamlet
23 Development Boundary” is only in a *draft* general plan, not within an adopted general plan such
24 as in the case of Farmersville and the Commercial/Industrial Park site.

25 As quoted in item 2 above, the FEIR acknowledges that alternatives which are contrary to
26 sound land-use planning practice should be rejected, such as in the case of Alternative 1. The
27 problem with Seville is that the “Hamlet Development Boundary” does not actually exist since
28

1 the County's cited general plan remains an unadopted draft. Consequently, Alternative 3A
2 should *not* have been prematurely rejected based on the County's speculative draft.

3 Regarding item 3 above, the FEIR prematurely rejected Alternative 3A because four
4 residences would have views of the transmission lines. There is nothing in the record to suggest
5 impacts resulting from visibility from a major highway near Seville. In contrast, Alternative 1 in
6 Farmersville would be clearly visible from Highway 198 as well as from Liberty Park and far
7 more than four residences within Farmersville. In fact, "With more than 1 million annual
8 visitors, Sequoia Park is a popular destination for guests from around the world..."¹, and adverse
9 aesthetics and visibility from Highway 198 and Liberty Park will impact far more than four
10 residences.

11 Since Highway 198 is a major tourist route used to travel to Sequoia National Park and its
12 popular Giant Forest, the aesthetics and visibility are clearly a far more significant impact in the
13 case of Farmersville and Alternative 1 than with Seville and Alternative 3A. Yet the FEIR
14 prematurely concluded that Alternative 3A did not require further detailed analysis based, at
15 least in part, on its alleged aesthetic impacts on four residences. The FEIR also failed to explain
16 why the visual and aesthetic impacts were weighed more heavily in the case of Alternative 3A in
17 Seville than in the case of Farmersville under Alternative 1. Because the FEIR failed to
18 adequately consider Alternative 3A, the Commission is precluded from making a fully informed
19 decision about the Proposed Project and should therefore decline to certify the FEIR at this time.

20 Regarding the alleged turkey farm in item 4 above, there is no evidence in the record
21 suggesting that the owner of the alleged turkey farm opposes Alternative 3A or finds its impacts
22 adverse. In fact, because of the high sensitivity of turkeys and their low threshold for
23 disturbances from humans, the buffer around the turkey farm that would be created by
24 Alternative 3A would actually improve the utility of the turkey farm site as a turkey farm. This
25 is because the buffer would reduce or substantially eliminate potentially fatal or otherwise
26 problematic disturbances from adjacent land uses. Accordingly, this allegedly adverse impact is
27 actually not adverse and therefore militates in favor of Alternative 3A rather than against it.

28
¹ <http://www.visitsequoia.com/sequoia-national-park.aspx> (3/10/2010).

1 IV. CONCLUSION

2 In regard to Alternative 1, the FEIR failed to adequately consider the aesthetic, social and
3 economic impacts from the physical location of the Proposed Project though it did properly find
4 that the loss of farmland would be significant enough to render another alternative to be
5 environmentally superior. Accordingly, the City of Farmersville requests and recommends that
6 the Commission find that the Alternative 1's significant environmental impacts on aesthetics,
7 recreational/park areas, community values, social and economic effects, at least as to
8 Farmersville, were not adequately considered in the FEIR and therefore decline to certify the
9 FEIR at this time. The City agrees that Alternative 1 should be avoided due to its significant
10 environmental impact on farmland.

11 Although the City of Farmersville believes that Alternative 2 is environmentally superior
12 as compared to Alternative 1, the City believes that Alternative 3A is the most environmentally
13 superior of all alternatives. Unfortunately, the FEIR prematurely dismissed Alternative 3A
14 without the detailed consideration it deserves in light of its feasibility, satisfaction of all of
15 SCE's project goals and its ability to substantially lessen the significant environmental impact
16 indentified for Alternative 1, in particular the loss of farmland, which would be reduced down to
17 the level of a non-significant impact (thereby eliminating a significant environmental impact).

18 Because the FEIR failed to adequately consider Alternative 3A, the Commission is
19 precluded from making a fully informed decision about the Proposed Project and its alternatives.
20 Therefore, the City of Farmersville also requests and recommends that the Commission either
21 not certify the FEIR because its consideration of Alternative 3A is deficient, or only certify the
22 FEIR upon a finding that Alternative 3A is the environmentally superior alternative for which
23 the Certificate of Public Necessity and Convenience will be approved for.

24 Respectfully submitted,

25 Dated: March 11, 2010

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18 Application 08-05-039
19 (Filed May 30, 2008)

20 **CERTIFICATE OF SERVICE**

21 [Rule 1.9(d), CPUC Rules of Practice and Procedure/]

22 I, the undersigned, declare and state as follows:

23 I am employed in Tulare County and over eighteen (18) years of age. I am not a party to
24 the within entitled action. My business address is 108 West Center Avenue, Visalia, California
25 93291. On the date listed below, I caused the following document(s), all of which were produced
26 on recycled paper, to be served in the manner hereafter indicated:

27 **1. OPENING BRIEF OF THE CITY OF FARMERSVILLE.**

28 **BY MAIL:** For each party with no e-mail address listed below, I placed the original
and/or a true copy(ies) thereof enclosed in sealed envelope. I deposited such
envelope in the U.S. mail at the City of Visalia, State of California, with first-class
postage thereon fully prepaid.

BY FACSIMILE TRANSMISSION: I transmitted via facsimile a true copy thereof to
the addressee at facsimile number:

BY ELECTRONIC MAIL (EMAIL): At 3:30 A.M. P.M. on the date listed
below, I transmitted via the Internet, from kfike@farleylawfirm.com without any
report of error, a true copy thereof to the following e-mail address(es):

BY OVERNIGHT DELIVERY: I deposited the original and/or a true copy(ies)
thereof into envelope(s) or package(s) designated by the overnight delivery carrier with
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- deposited such envelope(s) or package(s) in a facility regularly maintained by the overnight delivery carrier; or
- delivered such envelope(s) or package(s) to an authorized courier or driver authorized by the overnight delivery carrier to receive documents

PERSONAL SERVICE: By causing delivery by hand on March 11, 2010 to the following person at the address shown:

SERVICE WAS DIRECTED TO:

See attached **SERVICE LIST**.

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed on March 11, 2010, at Visalia, California.



Kari Fike

MD/Farmersville - Certificate of Service.doc

SERVICE LIST

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2 Administrative Law Judge
3 CPUC, ALJ Division, RM.5003
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6 415-703-1675
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8 [Via email and U.S. mail]

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