

Decision _____

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 of Between 50 kV and 200 kV: Riverway Substation Project.

Application 06-06-004
(Filed June 1, 2006)

**OPINION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY
A PERMIT TO CONSTRUCT ELECTRICAL FACILITIES**

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OPINION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY A PERMIT TO CONSTRUCT A NEW POWER LINE

1. Summary

This decision grants Southern California Edison Company (SCE) a Permit to Construct (PTC) the project known as the Riverway Substation Project (Project). The Project consists of: (1) construction of a 66/12 kilovolt (kV) substation (Riverway Substation) in Visalia, California; (2) construction of a 0.2 mile 66 kV subtransmission line to connect the Riverway Substation with an existing 66 kV overhead transmission line; and (3) installation of fiber optic cable and communications equipment to connect the Riverway Substation to SCE's existing telecommunications system. SCE sought Commission approval for a PTC for the project pursuant to General Order (GO) 131-D. As the Lead Agency for environmental review, we find the Final Mitigated Negative Declaration (Final MND) prepared for this project meets the requirements of the California Environmental Quality Act (CEQA). This proceeding is closed.

2. Background

SCE provides retail electric service to customers in fifteen counties in Southern California. The Project will create a new substation with associated subtransmission lines and control equipment to increase the capacity and reliability of the Rector System serving Visalia and Northern Tulare County (the Electrical Needs Area). The forecasted peak demand for the Electrical Needs Area is expected to exceed the maximum capacity for the Rector System by 2008.

In addition, the length of distribution lines built to serve the Electrical Needs Area present reliability concerns due to lags in shifting excess load between lines and between substations. Lines that were sufficient to serve the

Electrical Needs area while it was in a more rural condition will no longer serve the needs of the increasingly densely-populated area.

3. The Project

The project comprises a substation, subtransmission lines and optical fiber telecommunications line equipment.

The 66/12 kV low-profile substation will be constructed on approximately two acres in the City of Visalia, California. The substation site will contain two 66 kV subtransmission source lines, two 28 megavolt ampere (MVA) 66/12 kV transformers, two 4.8 megavolt ampere reactive (MVAR) 12 kV capacitor banks and six 12 kV distribution lines. The 12 kV switch rack will have an operating bus and a transfer bus, with provisions for a second operating bus as well as ten future 12 kV distribution lines, two 28 MVA 66/12 kV transformers, and two 4.8 MVAR 12 kV capacitor banks to accommodate future growth.

The project includes approximately 1,200 feet of underground 66 kV subtransmission lines to connect the substation to an existing 66 kV overhead transmission line via a tubular steel pole (TSP) riser.

The optical fiber cable and telecommunications equipment will connect the substation to the existing SCE telecommunication system to allow remote operation of the substation.

The estimated cost of the Project is \$11.1 million. Construction is expected to begin shortly upon receipt of all necessary approvals.

4. Procedural Issues

Notice of the application appeared in the Commission's June 7, 2006 Daily Calendar. No protests to the application were filed.

5. Requirements for a PTC

GO 131-D, Section I, defines an electric “power line” as one designed to operate between 50 and 200kV. Section III.B of GO 131-D requires utilities to first obtain Commission authorization, in the form of a PTC, before beginning construction of a power line.

Under GO 131-D, Section IX.B.1.f, 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). PTC applications must, however:

- 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 Proponent’s Environmental Assessment (PEA). (Section IX.B.1);
- 2) show compliance with the provisions of CEQA (Public Resources Code Section 21000, *et seq.*) related to the proposed project, including the requirement to meet various public notice provisions (Section IX.B.2-5); 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 (Section X).

These requirements are discussed separately below.

6. Proposed Facilities Description

The subject application describes the facilities proposed and related costs, and includes a map of the Project and a PEA.

This particular site was selected from amongst a number of alternatives after consultation with the City of Visalia to determine which site would provide

proximity to an existing 66 kV line while disrupting a minimal number of existing residences.

Similarly, the decision to use underground construction of the subtransmission line was made with consideration to the planned residential development of the community.

SCE also included a list of governmental agencies that were contacted regarding the Project. These agencies include: the City of Visalia, California regarding construction of the project within the city limits; and the California Native American Heritage Commission (CNAHC) regarding submittal of the cultural resources report. The City of Visalia had not formally responded by the filing date of the application. The City of Visalia was consulted during the Commission's environmental review process, and did not present any objections.

7. Environmental Review and EMF Compliance

CEQA requires that the Commission consider the environmental consequences before acting upon or approving the Project.¹ Under CEQA, the Commission must act as either the Lead Agency or a Responsible Agency for project approval. The Lead Agency is the public agency with the greatest responsibility for supervising or approving the project as a whole.² Here, the Commission is the lead agency. The actions and steps taken for environmental review of the Project, in accordance with GO 131-D and CEQA, are discussed below.

¹ California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), Section 15050(b).

² CEQA Guidelines, Section 15050(b).

7.1. Proponent's Environmental Assessment

Pursuant to GO 131-D, Section IX.B.1.e, the application must include a PEA. SCE separately filed its PEA in this proceeding on June 1, 2006. The PEA evaluates the environmental impacts that may result from the construction or operation of the Project. The PEA filed by SCE contains a project description in Section 3.0, and maps and diagrams in Sections 3.0 and 4.0.

The PEA found that no significant impacts would occur as a result of operations, but that some less than significant impacts would occur during construction. The PEA initially proposed no mitigation measures be taken since all Project impacts were considered as being less than significant.

7.2. Draft Initial Study/Mitigated Negative Declaration

As the next step in the environmental review, the Commission's Energy Division Staff (Staff) reviewed the PEA and prepared an Initial Study (IS) to address the environmental issues related to the Project. The IS determined the Project would not have a significant adverse impact on the environment, conditioned on certain mitigation measures. Similar to the PEA, all of the project impacts identified in the IS as requiring mitigation are related to construction.

In connection with the IS, Staff then prepared a Draft Mitigated Negative Declaration (Draft MND). Combined with the IS, the Draft MND found that approval of the Project would have no, or a less than significant, environmental impact in the following areas: agricultural resources; cultural resources; geology, soils and seismicity; hydrology and water quality; land use, plans and policies; mineral resources; population and housing; public services; recreation; transportation and traffic; and utilities and services.

The Draft IS/MND also found that, with mitigation incorporated, approval of the Project would result in less than significant impacts in the areas of: aesthetics; air quality; biological resources; hazards and hazardous materials; and noise. A general description of the mitigation measures, all related to construction activities, in each of the above areas follows:

Aesthetics:

Mitigations include that SCE shall:

- 1) restore and revegetate ground disturbances due to construction staging;
- 2) retain walnut trees or establish evergreen vegetative screen around the substation;
- 3) construct visually opaque gate at substation entrance;
- 4) provide TSP riser surfaces galvanized with appropriate colors, textures and finishes; and
- 5) Shroud and minimize unnecessary sources of light.

Air Quality:

Construction impacts include emissions of certain particulate pollutants and equipment exhaust.

Mitigations include that SCE shall:

- 1) implement enhanced dust control measures in the event that occupied homes occur nearby; and
- 2) minimize construction equipment exhaust by using Tier 1 engines.

Biological Resources:

Construction impacts include possible effect on populations of the San Joaquin kit fox.

Mitigations include that SCE shall:

- 1) implement the U.S. Fish and Wildlife Service's "Standardized Recommendations for Protection of the San

Joaquin kit fox Prior to or During Ground Disturbance;”
and

- 2) provide to the Commission the results of surveys prior to ground disturbance.

Hazards and Hazardous Materials:

Certain fuels, oils or chemicals used in construction could pose a potential threat to the public or the environment if used improperly; previously unidentified materials could be released into the environment; and construction activities could ignite dry vegetation, thereby posing a fire risk.

Mitigations include that SCE shall control release of residual herbicides, pesticides and/or fumigants.

Noise:

Construction activities could generate adverse noise levels.

Mitigations include that SCE shall:

- 1) properly minimize construction vehicle noise, including maintenance of mufflers in accordance with vendor specifications; and
- 2) avoid unnecessary construction traffic noise, where possible routing around noise-sensitive areas such as residences, schools, religious facilities, hospitals and parks.

**7.2.1 Mitigation, Monitoring, Reporting
and Compliance Plan**

As required by CEQA, the Draft IS/MND included a Mitigation, Monitoring, Reporting and Compliance Plan (MMRCP). The MMRCP describes the mitigation measures and specifically details how each mitigation measure would be implemented, and includes information on the timing of implementation and monitoring requirements. The Commission also uses the MMRCP as a guide and record of monitoring the utility’s compliance with its provisions. SCE has agreed to each measure and provision of the MMRCP.

7.2.2 Electric and Magnetic Fields

CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMF, primarily because of the lack of scientific evidence of such risk. The Commission also has examined EMF impacts in several previous proceedings. We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMF, and we did not find it appropriate to adopt any related numerical standards.

However, recognizing that public concern remains, we do require (pursuant to GO 131-D, Section X) that all requests for a PTC must include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMF generated by the proposed project. We developed an interim policy addressing the matter that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential impacts of EMF.³ The benchmark established for low-cost measures is 4% of the total budgeted project cost that result in an EMF reduction of at least a 15% (as measured at the edge of the utility right-of-way).

The Draft IS/MND addresses the EMF mitigation measures related to the Project. As “no and low-cost” mitigation measures, SCE will do the following:

- 1) Phase the currents of the 66 kV subtransmission lines;⁴

³ See Decision (D.) 06-01-042, and D.93-11-013.

⁴ SCE listed underground construction of the subtransmission line as a “no and low-cost” mitigation measure. However, it is actually a mitigating feature, as the underground construction was chosen for reasons separate from EMF mitigation.

- 2) Locate transformers to maintain distances greater than 15 feet away from the substation property lines;
- 3) Locate switchracks, capacitors and busses to maintain distances greater than eight feet away from the substation property lines; and
- 4) Configure the transfer and operating bus with the transfer bus facing the nearest property/fence line.

7.3. Public Notice and Review

On May 31, 2007, Staff took the following actions, as required by CEQA, related to the Project: 1) filed a Notice of Completion with the State Office of Planning and Research (State Clearing House # 2007051159); 2) published a Notice of Intent to Adopt a MND; and 3) released the Draft IS/MND for a 30-day public review and comment period.

The Draft IS/MND was distributed to federal, state and local agencies; property owners within 300 feet of the Project; and other interested parties (identified in the Draft IS/MND). A Public Notice of the Project also was published in the local newspaper, announcing the availability of the Draft IS/MND. The 30-day public review and comment period ended on June 30, 2007.

7.4. Comments on Draft IS/MND

One comment letter on the Draft IS/MND was received from the CNAHC. The letter recommended several activities be completed. Almost all of these recommendations had already been satisfied by the Draft IS/MND. The only new unsatisfied recommendation was to contact six Native American organizations to ensure that they did not have any concerns. All were contacted by mail, and no responses were received.

7.5. Final MND

A Final MND was prepared pursuant to CEQA guidelines, and released by Staff on July 26, 2007. The Final MND: includes all aspects of the Draft IS/MND; outlines the steps required to develop the Final MND; incorporates comments from the applicant, public agencies and the public; addresses responses to those comments by the staff acting as Lead Agency; and includes a final version of the MMRCP.

Though a few modifications were made in the Final MND to clarify and further explain certain mitigation measures described in the Draft IS/MND, the Final MND does not identify any new significant environmental impacts, and does not omit any existing mitigation measures, from those identified in the Draft IS/MND.

Before granting the subject application, we must consider the Final MND.⁵ We have done so and find that the Final MND (which incorporates the Draft IS/MND) was prepared in compliance with and meets the requirements of CEQA. We adopt the Final MND in its entirety, and incorporate it by reference in this decision approving the project.

The Final MND concludes that the Project will not have a significant adverse impact on the environment, because the mitigation measures described therein, and agreed to and incorporated by SCE into the Project, will ensure that any potentially significant impacts that have been identified with the Project will remain at less-than-significant levels.

⁵ CEQA Guideline Section 15004(a).

On, July 13, 2006, Commission staff informed SCE by letter that the application was deemed complete. The Draft IS/MND and the Final MND will be received into the record of this proceeding as Exhibits 1 and 2, respectively. [The latter is available for inspection on the Commission's website, www.cpuc.ca.gov (Regulated Areas/California Transmission Information and Projects / Environmental Review / Current Projects).]

8. Conclusion

Based on the analysis of the Initial Study, the Draft, and Final MND, and the mitigation measures identified therein and incorporated into the project, the Commission finds that the project will not have a significant impact on the environment. We have reviewed the subject application and, after considering all of the above requirements, find it complete and in compliance with GO 131-D.

We conclude that granting this PTC is in the public interest and the application should be approved. Our order today adopts the Final MND (which incorporates the Draft IS/MND), subject to the conditions therein, and authorizes work on the power line to begin.

9. Categorization and Need for Hearing

In Resolution ALJ 176-3174, dated June 15, 2006, we preliminarily determined this proceeding should be categorized as ratesetting, and that a hearing was not necessary. Based on the record in this proceeding, these determinations are confirmed.

10. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Also, this matter included a comprehensive provision for public review and comment under the CEQA process. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rules 14.6(c)(2) and 14.6(c)(8) of

the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

11. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Victoria S. Kolakowski is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. SCE's application for a PTC conforms to GO 131-D.
2. The Project will provide capacity and reliability support, as well as less costly maintenance, for the SCE transmission system.
3. No protests were filed to the subject application.
4. This proceeding does not require a hearing.
5. The Final MND (which incorporates the Draft IS/MND) related to the Project conforms to the requirements of CEQA.
6. The Final MND identified no significant environmental impacts of the Project that could not be avoided or reduced to non-significant levels with the mitigation measures described therein.
7. The MMRCPP, included as part of the Final MND, specifically describes the mitigation measures to be taken.
8. SCE agrees to comply with the mitigation measures described in the Final MND.
9. The Commission considered the Final MND in deciding to approve the Project.
10. The Final MND reflects the Commission's independent judgment.
11. Based on the mitigation measures included in the Final MND, the Project will not have a significant impact upon the environment.

12. The Project includes no-cost and low-cost measures (within the meaning of D.93-11-013, and D.06-01-042) to reduce possible exposure to EMF.

13. SCE states it has existing easement rights to the property on which the Project will be constructed.

Conclusions of Law

1. No protests were filed to the subject application and evidentiary hearings are not necessary.

2. The Commission is the Lead Agency for compliance with the provisions of CEQA.

3. A Draft IS/MND analyzing the environmental impacts of the Project was processed in compliance with CEQA.

4. A Final MND on the Project was processed and completed in compliance with the requirements of CEQA.

5. The Draft IS/MND and the Final MND should be received into the record of this proceeding as Exhibits 1 and 2, respectively.

6. The Draft IS/MND and the Final MND (which includes the MMRCP) should be adopted in their entirety.

7. Possible exposure to EMF has been reduced by the no-cost and low-cost measures SCE included in the Project (pursuant to D.93-11-013, and D.06-01-042).

8. SCE should obtain all necessary easement rights, or other legal authority, to the Project site prior to commencing construction.

9. SCE's application for a PTC should be approved, subject to the mitigation measures set forth in the Final MND.

10. The requirement for a 30-day period for public review and comment may be waived, pursuant to Rule 14.6(c) (2), and Rule 14.6(c)(8).

11. A.06-06-004 should be closed.

12. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company is granted a Permit to Construct the Riverway Substation Project (Project), which consists of: (1) construction of a 66/12 kilovolt (kV) substation (Riverway Substation) in Visalia, California; (2) construction of a 0.2 mile 66 kV subtransmission line to connect the Riverway Substation with an existing 66 kV overhead transmission line via a tubular steel pole riser; and (3) installation of fiber optic cable and communications equipment to connect the Riverway Substation to SCE.

2. The Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Project is received into the record of this proceeding as Exhibit 1.

3. The Final Mitigated Negative Declaration (Final MND) for the Project is received into the record of this proceeding as Exhibit 2.

4. The Final MND (which incorporates the Draft IS/MND) is adopted pursuant to the requirements of the California Environmental Quality Act, Pub. Res. Code §§ 21000 *et seq.*

5. The Mitigation Monitoring, Reporting and Compliance Plan (MMRCP), included as part of the Final MND, is adopted.

6. The PTC is subject to the mitigation measures set forth in the Final MND and MMRCP.

7. SCE shall have in place, prior to commencing construction, all of the necessary easements rights, or other legal authority, to the Project site.

8. Application 06-06-004 is closed.

This order is effective today.

Dated _____, 2007, at San Francisco, California.