Decision **PROPOSED DECISION OF ALJ VIETH** (Mailed 10/31/2008)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Sunrise Powerlink Transmission Project.	Application 06-08-010 (Filed August 4, 2006)

(See Appendix D for List of Appearances.)

DECISION DENYING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE SUNRISE POWERLINK TRANSMISSION PROJECT

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DECISION DENYING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE SUNRISE POWERLINK TRANSMISSION PROJECT

1. Executive Summary

This decision denies the application of San Diego Gas & Electric Company (SDG&E) for a Certificate of Public Convenience and Necessity (CPCN) to construct the Sunrise Powerlink Transmission Project (Sunrise).[1]

SDG&E's initial construction proposal, referred to as the Proposed Project, contemplates a new transmission system running approximately 150 miles from the El Centro area of Imperial County through Anza-Borrego Desert State Park (Anza-Borrego) to northwestern San Diego County. The Proposed Project includes construction of 91 miles of 500 kilovolt (kV) line and 59 miles of 230 kV transmission line, replacement of transmission cable for several other lines, a new substation, and modification of several other substations.

A statutory framework governs our review of this application and we highlight its major components. Pursuant to Public Utilities Code Section 1001,[2] before granting a CPCN we must find a need for the Proposed Project or an alternative evaluated in this proceeding. Section 1002(a) requires that we consider four additional factors: community values; recreational and park areas; historical and aesthetic values; and influence on the environment. We also consider – and find inapplicable to Sunrise – § 399.25, which provides that a

[1] Appendix A contains a list of acronyms and other naming conventions we use in this decision.

[2] Unless otherwise expressly stated, all references to statutes are to the California Public Utilities Code.

transmission project may be justified if we determine it is "necessary to facilitate the achievement of" California's Renewable Portfolio Standard (RPS).[3]

SDG&E claims that Sunrise is needed to maintain reliability, promote renewable energy, and reduce energy costs and projects that construction of the line will provide economic benefits to its ratepayers. The CPCN portion of our proceeding has been the forum for economic review and this decision evaluates each of SDG&E's claims.

The review process established by the California Environmental Quality Act (CEQA)[4] has been the primary focus for environmental review. As lead agency pursuant to CEQA, we have evaluated the environmental impacts of the Proposed Project, seven alternatives (two of them solely generation based, "non-wires" alternatives and the rest, transmission based, "wires" alternatives), and a No Project Alternative. CEQA requires a lead agency to identify and study feasible alternatives and mitigation measures to reduce a project's significant environmental impacts.

This proceeding has been heavily-contested, involving lengthy evidentiary hearings and dozens of public meetings. In addition to voluminous testimony, documentary evidence, and two rounds of briefs in connection with the evidentiary hearings, there have been no fewer than eleven opportunities for

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[3] Senate Bill (SB) 1078 (Stats.2002, c.516) established an RPS of 20% by 2017. SB 107 (Stats.2006, c.464) accelerates the RPS goal to 20% by 2010. The RPS Program, including its procurement targets, is codified at § 399.11, *et seq.*

[4] Pub. Resources Code § 21000, *et seq.* CEQA and its federal counterpart, the National Environmental Policy Act (NEPA, 42 USC § 4321, *et seq.*) require the preparation, respectively, of an environmental impact report (EIR) and an environmental impact statement (EIS) to identify alternatives to the proposed project, the potentially significant effects on the environment of the proposed project and its alternatives, and to indicate the manner in which those significant environmental effects can be mitigated or avoided.

public comment, both written and oral, including Public Participation Hearings at five different locations. The Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS)[5] prepared jointly by this Commission and the United States Bureau of Land Management (BLM) is over 11,000 pages long. Today's decision certifies the Final EIR, which is the CEQA document.

All of the proposed transmission routes, whether built through Anza-Borrego or through Cleveland National Forest, will create significant, unavoidable environmental impacts. We must weigh these impacts against the potential benefits of a new transmission line and other factors, such as the public values reflected in § 1002(a).

The record shows, on balance, that all of the transmission proposals likely would provide additional reliability to SDG&E's service area. However, SDG&E's service area will not experience a reliability need or "shortfall" until 2014, and the shortfall may be met more economically and more reliably with generation-based alternatives.

The record also shows, on balance, that most of the proposed transmission routes will encourage the development of renewable resources in the Imperial Valley.[6] However, the record further shows that Imperial Valley renewables are not economic under 20% RPS, and do not become economic unless we assume

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[5] The Final EIR/EIS comprises not only the set of documents with that name but also the two prior sets of documents, the Draft EIR/EIS and the Recirculated Draft EIR/Supplemental Draft EIS. Unless specific reference to one of these set of documents is required, the decision refers generically to the EIR/EIS.

[6] The Talega-Escondo/Valley-Serrano (TE/VS), also known as the Lake Elsinore Advanced Pumped Storage (LEAPS) Transmission-Only Alternative is discussed in Sections 6.14.4 and 17, and has no direct impact on the development of renewables in the Imperial Valley.

33% RPS. We have no legal authority to require SDG&E to comply with RPS above 20%. Moreover, the record establishes that SDG&E has existing opportunities to meet, and even exceed, its 20% RPS obligation without Sunrise, including through procurement or renewable resources located north of its service area.

Finally, the record shows that most of the transmission proposals are not economic under 20% RPS and potentially will generate significant ratepayer costs if constructed.[7] Conversely, one of the generation alternatives studied in the EIR/EIS, the All-Source Generation Alternative, is environmentally superior to all transmission proposals and is estimated to generate economic benefits. Further, the energy cost savings or "energy benefits" projected for transmission proposals assume that more than 12,000 megawatts (MW) of new coal fired generation will be installed in the western United States. To the extent a new transmission line is projected to produce energy benefits, it is because the line is assumed to import this coal fired generation into California. These same projections suggest that the construction-related green house gas (GHG) emissions associated with transmission proposals may not be offset if a new line delivers coal fired generation to California. Thus, the potentially high economic costs to ratepayers and the potential implications for our GHG policy objectives do not justify the severe environmental damage that any of the transmission proposals would cause.

SDG&E proposes to build the Proposed Project, with 150 miles of cable and steel towers standing over 150 feet high, through wilderness lands in the heart of Anza-Borrego. Many members of the public have referred to Anza-

[7] The record does not contain a thorough economic assessment of LEAPS.

Borrego as the crown jewel[8] of the State Parks system. The Vision Statement in Anza-Borrego's General Plan very powerfully states:

> Anza-Borrego is a place of awe, inspiration, and refuge. The vast desert landscape and scenery are preserved in a pristine condition. The full array of natural and cultural resources are cared for so as to perpetuate them for all time while supporting those seeking enjoyment from these resources ...[9]

The Final EIR/EIS finds that SDG&E's Proposed Project has 52 significant, unmitigable environmental impacts that would require de-designation of approximately 50 acres of state wilderness in Anza-Borrego, affect the safety and habitat – and ultimately, the viability – of threatened and endangered species, damage Native American cultural sites, destroy scenic vistas, and increase fire risk. To avoid encroachment into state wilderness, SDG&E subsequently proposed to build entirely within a 100-foot corridor in Anza-Borrego currently occupied by an 80-year old, 69-92 kV wood pole line. However, the Final EIR/EIS concludes that this "Enhanced" Northern Route only increases the severity of certain potential for significant, adverse environmental impacts. Further, the status of legal right-of-way within that 100-foot corridor is heavily contested. The towers would be more numerous, taller, and closer together, and in order to stay within the corridor, SDG&E would be forced to construct the new line in the middle of a resource-rich ancient Native American village site.

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[8] Written comment from the public and numerous speakers at public meetings refer to Anza-Borrego this way. For example, Monica Argandona, the Desert Program Director for the California Wilderness Coalition, used this term at the February 26, 2008 Public Participation Hearing in Borrego Springs. At that same meeting, another speaker, Mr. Rasmusson, stated that "while this park doesn't assume the majesty of a Hetch-Hetchy or Yosemite, it still remains a jewel nonetheless." RT 2977:2-4.

[9] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page 3-8).

The Final Environmentally Superior Southern Route described in the Final EIR/EIS would avoid Anza-Borrego, but still would produce more than 41 significant, unmitigable environmental impacts.

The Final EIR/EIS describes why San Diego is one of the most fire prone eco-systems in the world and finds that all of the transmission line alternatives will increase fire risk by creating new transmission line corridors in high fire risk areas. New lines also reduce reliability because of the increased possibility of a dual line outage affecting both the new transmission line and SDG&E's most significant, existing import line, the Southwest Powerlink.

Of the more than 400 individuals who have commented on Sunrise during our Public Participation Hearings, the vast majority oppose one or more Sunrise alternatives because of impacts on community values and the other § 1002(a) factors listed above. While we do not base today's decision, or any CPCN decision, solely on public opinion, legally we must consider the concerns expressed.

For all of the reasons above, we conclude that Sunrise is not needed and we deny SDG&E's CPCN application. We direct SDG&E to pursue its existing RPS opportunities aggressively.

2. Background

2.1. Procedural History

Dian M. Grueneich is the assigned Commissioner. This proceeding commenced on December 14, 2005, when SDG&E filed Application (A.) 05-12-014, its initial request for a CPCN for authority to construct Sunrise (2005 Application). Because of critical deficiencies in the 2005 Application, including failure to identify the route for Sunrise or to include a Proponent's Environmental Assessment (PEA), SDG&E filed an entirely new set of

documents on August 4, 2006. Though at times SDG&E's 2006 filing has been referred to, informally, as an "amendment" to the 2005 filing, we designated the 2006 filing as a new application and assigned a new proceeding number, A.06-08-010 (2006 Application). The Chief Administrative Law Judge (ALJ) consolidated the dockets for the 2005 and 2006 Applications and subsequently, in D.07-11-008, we affirmed the consolidation and then closed the 2005 Application.

On September 6, 2006, responding to requests from the Commission's Energy Division, SDG&E filed a multiple volume supplement to the 2006 Application. On September 13, 2006, the assigned ALJ held a Prehearing Conference in Ramona, California. During this period the Commission continued to receive protests and ultimately more than a dozen were filed.[10] A Scoping Memo issued after the Prehearing Conference, as required by statute.[11] The Scoping Memo established the scope of this proceeding and the schedule, coordinating the CPCN review with the timeline for the concurrent, parallel track CEQA/NEPA review. The Scoping Memo also designated ALJ Steven Weissman as the presiding officer and set two hearing phases, focusing Phase 1 on all issues that could be examined prior to issuance of the Draft EIR/EIS, and

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[10] The following persons and entities filed protests to the 2005 Application, the 2006 Application, or both: California State Parks Foundation (State Parks Foundation); Carmel Country Highland Owners; the Cities of Hemet, Murrieta and Temecula; Community Alliance for Sensible Energy; the Center for Biological Diversity and the Sierra Club, San Diego Chapter (Conservation Groups); Division of Ratepayer Advocates (DRA); Imperial Irrigation District; Mussey Grade Road Alliance (Mussey Grade); Nevada Hydro Company (Nevada Hydro); Ramona Alliance Against Sunrise Powerlink; Ratepayers For Affordable Clean Energy Coalition; Starlight Mountain Estates Owners; West Chase Homeowners Association; and Utility Consumers' Action Network (UCAN).

[11] *Assigned Commissioner and Administrative Law Judge's Scoping Memo and Ruling (Scoping Memo)*, November 1, 2006.

Phase 2 on issues tied to the Draft EIR/EIS. In Section 2.2 below, we discuss the Scoping Memo in greater detail. On October 2, 2006, SDG&E supplemented the 2006 Application to include and rank four alternative routings which, unlike its initial route, would not pass through Anza-Borrego. On January 19, 2007, SDG&E filed corrections to certain cost/benefit assumptions in the 2006 Application.

The NEPA and CEQA scoping processes commenced, respectively, on August 31, 2006 with BLM's publication in the Federal Register of a Notice of Intent to prepare an EIS; and on September 15, 2006 with the issuance by Commission Energy Division staff of a Notice of Preparation of an EIR. BLM and Commission staff, together with their environmental consultants, jointly held seven public scoping meetings in October 2006. By November 2006, the Commission had received over 300 comments on the Notice of Preparation from public, private, and tribal agencies and from members of the public. In February 2007, following preliminary identification of the alternatives to analyze in the EIR/EIS, BLM and Commission staff, and their consultants, held eight more public scoping meetings to gain further input. The subsequent CEQA/NEPA review proceeded with additional public notice and input at milestone intervals, consistent with those environmental laws.

Though we originally expected to release the Draft EIR/EIS on August 3, 2007, issuance of the document was delayed by five months when, in the course of Phase 1 hearings, SDG&E disclosed new information critical to the Commission's environmental review.[12] The Commission and BLM released the Draft EIR/EIR on January 4, 2008. Between January 28 and February 1, 2008,

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[12] *Assigned Commissioner's Ruling Addressing Newly Disclosed Environmental Information*, July 24, 2007.

BLM and Commission staff, and their consultants, held a series of nine workshops to present the Draft EIR/EIS to the public, to explain the ensuing public review process, and to accept written comments brought to the workshops. In late February 2008, the ALJ and the assigned Commissioner held five Public Participation Hearings where they took both written and oral statements. On July 11, 2008, the lead agencies released a Recirculated Draft EIR/Supplemental Draft EIS for additional public comment. After considering all additional comments, the lead agencies released the Final EIR/EIS on October 14, 2008.

Review of this application has included four Prehearing Conferences held over the course of this consolidated proceeding, several workshops, public input at Public Participation Hearings in Borrego Springs (three times, including one session attended by four commissioners and another attended by three), Ramona (three times, including comments received at two Prehearing Conferences), San Diego, Julian and Pine Valley, and 37 days of evidentiary hearings, approximately half in San Diego and half in San Francisco. Assigned Commissioner Dian M. Grueneich attended every Prehearing Conference and Public Participation Hearing. We received a round of Opening and Reply Briefs following Phase 1 hearings and a second round after Phase 2.[13] Shortly

[13] The following parties filed briefs: (1) Phase 1 Opening Briefs (on or about November 9, 2007): Cabrillo Power I LLC (Cabrillo Power), California Independent System Operator (CAISO); Conservation Groups, California Department of Parks and Recreation (State Parks), California Farm Bureau Foundation (Farm Bureau), DRA, Imperial Irrigation District, Mussey Grade, Nevada Hydro, Rancho Peñasquitos Concerned Citizens (Rancho Peñasquitos), SDG&E, South Bay Replacement Project (South Bay), and UCAN; (2) Phase 1 Reply Briefs (on or about November 30, 2007): CAISO; Conservation Groups, DRA, Imperial Irrigation District, Mussey Grade, Nevada Hydro, Rancho Peñasquitos, SDG&E, South Bay, State Parks and UCAN; (3) Phase 2 Opening Briefs (on or about May 30, 2008): CAISO, City of Santee,

thereafter, a Revised Scoping Memo directed CAISO to do additional modeling runs needed to complete the record and provide them as Exhibit Compliance -1 (Compliance Exhibit), authorized parties to file a round of comments, and addressed other outstanding matters.[14]

This abbreviated procedural history does not include the many discovery conferences and modeling workshops held in connection with our review of Sunrise. These were necessitated by the complexity of the issues before us, the number of parties, and in particular, by the importance of detailed computer modeling in analyzing SDG&E's effort to demonstrate the need for the Proposed Project, especially in comparison to the other alternatives.

2.2. Scoping Memo

As required by §1701.1, the Scoping Memo articulated the scope for this proceeding, established the preliminary schedule, and addressed various other procedural issues, such as discovery and the service of prepared testimony and pleadings.

The Scoping Memo identified the scope of this application as including "the proposed project using SDG&E's preferred route and configuration,

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Conservation Groups, DRA, Farm Bureau, Imperial Irrigation District, Jacqueline Ayer, Mussey Grade, Nevada Hydro, Powers Engineering, Rancho Peñasquitos, SDG&E, South Bay, State Parks, and UCAN; (4) Phase 2 Reply Briefs (on or about June 13, 2008): CAISO; City of Santee; Conservation Groups, DRA; Farm Bureau, Imperial Irrigation District, Jacqueline Ayer, Mussey Grade; Nevada Hydro; Rancho Peñasquitos; SDG&E; State Parks, and UCAN.

[14] *Revised Scoping Memo and Ruling of the Assigned Commissioner and Administrative Law Judge (Revised Scoping Memo), June 20, 2008.* A subsequent ruling revised the dates for comment. *Administrative Law Judge's Ruling Memorializing Dates for Comments on Exhibit Compiance-1,* August 28, 2008. The following parties filed comments/briefs:
(1) Opening (on September 5, 2008): CAISO, DRA, Nevada Hydro, Rancho Peñasquitos, SDG&E, and UCAN; and (2) Reply (on September 10, 2008): CAISO, DRA, Jacqueline Ayer, and SDG&E.

alternative routes and configurations, the no project alternative, and non-wires alternatives." It also articulated the legal framework for review, including these over-arching elements: assessment of "need for and cost-effectiveness of the project" under § 1001, consideration of the four factors listed in § 1002(a) -- community values, recreational and park areas, historical and aesthetic values, and influence on the environment, the environmental analysis required by CEQA, and compliance with other law discussed in Section 4. Finally, the Scoping Memo provided specific direction to the parties regarding additional modeling and related activities.

The Revised Scoping Memo, which issued after the Phase 2 hearings, acknowledged the need to recirculate the Draft EIR/EIS, set out the basic modeling assumptions to be used by CAISO in the preparation of the Compliance Exhibit, and adjusted the schedule of the proceeding accordingly.

3. Project Objectives and Description

3.1. Project Objectives

SDG&E's PEA states that Sunrise was designed to address eight objectives.[15] Under CEQA and NEPA, lead agencies must identify the project

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[15] Section 3.1 of SDG&E's PEA sets forth the eight objectives, which we paraphrase as follows:

1) Ensure that SDG&E's transmission system satisfies reliability criteria.
2) Provide transmission facilities with a voltage level and transfer capability that (a) allows for prudent system expandability to meet both anticipated short-term (2010) and long-term (2015 and beyond) load growth and (b) supports regional expansion of the electric grid.
3) Provide transmission capability for Imperial Valley renewable resources for SDG&E customers to assist in meeting or exceeding California's 20% renewable energy source mandate by 2010 and the Governor's proposed goal of 33% by 2020.

objectives to be considered for CEQA/NEPA purposes, and those objectives may or may not mirror an applicant's suggestion. After thorough consideration, Commission and BLM staff distilled SDG&E's eight PEA objectives to three Basic Project Objectives which we have used in our review of Sunrise:

- **Basic Project Objective 1**: to maintain reliability in the delivery of power to the San Diego region;
- **Basic Project Objective 2**: to reduce the cost of energy in the region; and
- **Basic Project Objective 3**: to accommodate the delivery of renewable energy to meet state and federal renewable energy goals from geothermal and solar resources in the Imperial Valley and wind and other sources in San Diego County.[16]

3.2. Description of the Northern Routes

SDG&E's Proposed Project and its subsequent routing variations through Anza-Borrego have become known during the course of this proceeding as the "Northern Route Alternatives" or "Northern Routes"; today's decision uses these terms, or as appropriate, "Northern Route."

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4) Reduce the above-market costs associated with maintaining reliability in the San Diego area while mitigating the potential exercise of local market power, particularly the costs associated with older generators such as the South Bay and Encina Power Plants.
5) Improve regional transmission system infrastructure.
6) Obtain electricity generated by diverse fuel sources and decrease the dependence on increasingly scarce and costly natural gas.
7) Avoid, to the extent feasible, the taking and relocation of homes, businesses or industries, in the siting of the transmission line, substation and associated facilities.
8) Minimize the need for new or expanded transmission line right-of-way.

[16] Draft EIR/EIS, ES-3.2.

3.2.1. The Proposed Project

The Proposed Project consists of a 150-mile transmission line between Southern California's Imperial and San Diego counties.[17] The major project components comprise:

- A new 91-mile, single-circuit 500 kV overhead electric transmission line linking SDG&E's existing Imperial Valley Substation (in Imperial County near the City of El Centro) with a new 500/230 kV Central East Substation to be constructed in the San Felipe area of central San Diego County, southwest of the intersection of County Highway S22 and S2;
- A new 59-mile 230 kV double-circuit and single-circuit transmission line, running partly overhead and partly underground through San Diego County from the proposed new 500/230 kV Central East Substation to SDG&E's existing Peñasquitos Substation (in the City of San Diego); and
- Other upgrades, in particular the addition of a 230 kV shunt capacitor at SDG&E's San Luis Rey Substation, the addition of a 69kV shunt capacitor at SDG&E's South Bay Substation, and replacement of the conductors on an existing 8.2 mile, 69 kV transmission line that runs from SDG&E's existing Sycamore Canyon Substation to its existing Elliott Substation.

The project's two transmission components (the 91-mile 500 kV component and the 59-mile double and single circuit 230 kV components) consist of five separate segments or "links":

- The Imperial Valley Link - 60.9 miles of 500 kV line from Imperial Valley Substation (west of El Centro) to the eastern boundary of Anza-Borrego;
- The Anza-Borrego Link - 22.6 miles of 500 kV line entirely within the boundaries of Anza-Borrego;

[17] See Draft EIR/EIS, Sec. B.2 and B.3 for a more complete description of the Proposed Project.

- The Central Link (Central San Diego County) - 27.3 miles (7.4 miles of 500 kV line; 19.9 miles of 230 kV line) in the communities of Ranchita and San Felipe;
- The Inland Valley Link (West-Central San Diego County) - 25.5 miles of 230 kV through the communities of Santa Ysabel and Ramona, and through Marine Corps Air Station Miramar; and
- The Coastal Link (Western San Diego County) - 13.6 miles of 230 kV line with new towers in communities of Rancho Peñasquitos and Torrey Hill (City of San Diego).

The Proposed Project also requires the relocation of several segments of existing transmission lines, as follows.

- Move nine miles of an existing 69 kV transmission line to parallel the proposed new 230 kV line at a point between the junction of State Route 76 and State Route 79, near the existing Santa Ysabel Substation; and
- Move existing 69 kV and 92 kV transmission lines located between the eastern boundary of Anza-Borrego and a point near the proposed new Central East Substation by undergrounding portions in the adjacent State Route 78 roadway and placing portions on the new 500 kV towers sited within Anza-Borrego.

3.2.2. SDG&E's "Enhanced" Northern Route

In response to concerns and suggestions raised by agencies and landowners, SDG&E proposed, after the Phase 1 hearings, an "Enhanced" Northern Route, a 148.6 mile long transmission line that follows the same general corridor as the Proposed Project, with certain modifications.[18] The major changes include:

- Modification of the Anza-Borrego Link's footprint by limiting the 500 kV line to the existing right-of-way for the existing

[18] For a more detailed description, see Recirculated Draft EIR/Supplemental Draft EIS, Sec. 5.3.1.

wood pole line in Anza-Borrego, in an attempt to avoid the need to obtain new right-of-way within the Park or de-designate state wilderness;

- A few minor segment alternatives and/or modified reroutes through portions of the Proposed Project's Imperial Valley and Inland Valley Links.

3.2.3. The Final Environmentally Superior Northern Route

The EIR/EIS evaluated and compared various routing alternatives that reduce the environmental impacts of the Proposed Project's route, including the "Enhanced" Northern Route, to identify the least environmentally damaging Northern Route. The Final Environmentally Superior Northern Route, 140.8 miles long, is a combination of segment alternatives and reroutes that "replace" corresponding sections of the Proposed Project. The Final Environmentally Superior Northern Route is almost identical to the Draft Environmentally Superior Northern Route, but was modified to include reroutes suggested by SDG&E that would reduce further the route's environmental impacts, as analyzed in the Recirculated Draft EIR/Supplemental Draft EIS. The major differences between the Final Environmentally Superior Northern Route and the Proposed Project include:

- Relocation of the 230/500 kV substation east of Anza-Borrego;
- Installation of a double-circuit bundled 230 kV line through Anza-Borrego (the All Underground Option);[19] and
- Construction of the Santa Ysabel All Underground Alternative in the Santa Ysabel Valley.

[19] The 230 kV transmission line between the San Felipe Substation and the connection to the Proposed Project would be installed underground in State Route 78 and County Highway S2.

The EIR/EIS describes the Final Environmentally Superior Northern Route in more detail.[20]

4. Standard of Review and Governing Law

4.1. Burden of Proof

As the Applicant, SDG&E must demonstrate a need for the Commission to issue the CPCN.[21] The utility "has the burden of affirmatively establishing the reasonableness of all aspects of its application. Intervenors do not have the burden of proving the unreasonableness of [the utility's] showing."[22]

Evidence Code §115 defines burden of proof as follows:

> "Burden of proof" means the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact… The burden of proof may require a party to raise a reasonable doubt concerning the existence or nonexistence of a fact or that he establish the existence or nonexistence of a fact by a preponderance of the evidence, by clear and convincing evidence, or by proof beyond a reasonable doubt.
>
> Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence.

SDG&E argues that the preponderance of the evidence standard should be applied here. Citing D.07-04-049, SDG&E states that the Commission has applied the higher, clear and convincing standard only in general rate cases and reasonableness reviews, and has expressly rejected its use for other purposes.[23]

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[20] Draft EIR/EIS, Sec. H.

[21] *Investigation into Methodology for Economic Assessment of Transmission Projects*, D.06-11-018, 22 ["The Commission has long held that the applicant carries the burden of proof in a certification proceeding, and we reiterate those determinations today."].

[22] *Southern California Edison Test Year 2006 General Rate Application*, D.06-05-016, 7.

[23] *Southern California Edison's Application for Approval of Summer 2007 New Generation RFOs and Cost Recovery,* D.07-04-049. The decision, which modified D.07-01-041 and denied rehearing, among other things determines that the preponderance of the

DRA, UCAN, and others point to several rate case decisions and reasonableness review decisions to support their contention that clear and convincing evidence is the correct standard of review for Sunrise.[24] No party refers to a decision on a prior transmission line CPCN.

Witkin's explanation of these two standards is instructive. Preponderance of the evidence usually is defined "in terms of probability of truth, e.g., 'such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth.'"[25] Clear and convincing evidence "has been defined as 'clear, explicit and unequivocal,' and 'so clear as to leave no substantial doubt,' and 'sufficiently strong to command the unhesitating assent of every reasonable mind.'"[26]

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evidence standard applies to review of the contract at issue, whereby Long Beach Generation will repower 260 megawatts of peaking capacity at Long Beach and make this capacity available to Edison for ten years.

[24] The parties' citations include: *Pacific Gas & Electric Co. Energy Cost Adjustment Clause Application*, D.82486, 701 (1980) 4 CPUC2d 693; D.00-02-046, *Southern California Edison General Rate Case*, D.83-05-036, (1983) 11 CPUC2d 474, 475. Our own research indicates that the Commission first appeared to require clear and convincing evidence in D.44923, where in the course of its review of a motion to dismiss a telephone utility's application for a rate increase, the Commission stated:

> We must keep in mind that this is not an adversary proceeding in the sense that, as in an ordinary civil case, only a *prima facie* case must be shown. This is a legislative proceed in which the burden of proof rests most heavily upon applicant to prove by clear and convincing evidence that the present rates of which it complains work a confiscation of its property. [Citations omitted.] (*Pacific Telephone & Telegraph Co Rate Application*, D.44923, (1950) 50 CPUC 247, 248.)

However, it is unclear from the discussion in D.44923 whether the Commission used the words "clear and convincing" in a lay sense only, or whether it was adopting a specific legal standard.

[25] Witkin, Calif. Evidence, 4th Edition, Vol. 1, 184.

[26] Witkin, Calif. Evidence, 4th Edition, Vol. 1, 187.

The preponderance of the evidence is generally the default standard in civil and administrative law cases and we apply that standard in this decision.[27]

4.2. Section 1001 et seq.

Section 1001 et seq. establishes the framework for our review of Sunrise and we focus, here, on the two basic components of that framework, §§ 1001 and 1002(a). Before we can authorize a CPCN for the Proposed Project or an alternative, § 1001 mandates that we find that the "present or future public convenience and necessity require or will require its construction." In reaching that ultimate determination, § 1002(a) mandates that we consider four factors: community values; recreational and park areas; historical and aesthetic values; and influence on the environment. The Commission has concluded that § 1002 imposes a "responsibility *independent of CEQA* to include environmental influences and community values in our consideration of a request for a CPCN."[28] The Commission has determined that the fourth factor – consideration of a project's "influence on the environment" – is appropriately addressed through the CEQA process.[29] Given the terrain through which the Proposed Project and transmission line alternatives would pass, the Sunrise EIR/EIS necessarily addresses not only environmental impacts, but also impacts on recreational and park values, and on historic and aesthetic values. We review this comprehensive record, and the record on these issues developed in Phase 2

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[27] California Administrative Hearing Practice, 2d Edition (2005), 365.

[28] *Application of Southern California Edison for CPCN for Kramer-Victor Transmission Line,* (1990) 37 CPUC2d 413, 453.

[29] *Application of Lodi Gas Storage for CPCN for Gas Storage Facilities,* D.00-05-048, 28 ["[T]he appropriate place for the parties to address [the issue of a project's influence on the environment] was in the EIR, so that the parties would not duplicate their efforts in both portions of the proceeding."].

hearings, in Sections 15, 16, 17 of this decision. The extensive record on community values implications has been developed by the parties and through public input and we review this part of the record in Sections 15-17, and in Section 19.

4.3. Section 399.25

As relevant here, § 399.25 provides that an application for a CPCN to construct new transmission facilities under § 1003 "shall be deemed necessary to the provision of electric service" upon a Commission finding that the proposed transmission project "is ***necessary to facilitate achievement*** of the renewable power goals" set forth in § 399.11.[30] Applicable to investor owned utilities like SDG&E, those RPS goals are the generation of 20% of "total retail sales of electricity in California from eligible renewable resources by December 31, 2010 … for the purposes of increasing the diversity, reliability, public health and environmental benefits of the energy mix."[31] In D.07-03-012, which approved the transmission line known as the Antelope-Pardee Project, the Commission stated:

> [I]n order to rely on § 399.25 to establish the need for a project, we find that a proponent must demonstrate: (1) that a project would bring to the grid renewable generation that would otherwise remain unavailable; (2) that the area within the line's reach would play a critical role in meeting the RPS goals; and (3) that the cost of the line is appropriately balanced against the certainty of the line's contribution to economically rational RPS compliance. (D.07-03-012, 15-16.)

SDG&E contends that Sunrise should be approved based on a finding of need under § 399.25. Sunrise fails each part of this test.

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[30] Section 399.25(a) (emphasis added).

[31] Section 399.11(a).

First, Sunrise is not the only potential transmission line with access to the Imperial Valley and therefore, the record does not support claims that renewable development there will be stranded without Sunrise. See Section 5, below, for discussion of other transmission projects which could interconnect Imperial Valley renewables to the state's electric grid and/or deliver electric power to major load centers (e.g. the high voltage Green Path North, the Coachella Valley-Devers 2 line, the Midway-Bannister line, the Dixieland-Imperial Valley line, and the re-rating of Path 42). In addition, SDG&E's existing Southwest Powerlink is physically capable of carrying more than enough renewable energy to meet the company's RPS obligation.

Second, as we discuss in Section 12, below, Sunrise is not necessary for SDG&E to meet its 2010 RPS goal of 20% given the more economic renewable power available elsewhere. Third, the high cost of the line compared to other alternatives (according to comment SDG&E filed December 8, 20008 on the proposed alternate decision of Commissioner Peevey, the estimated cost now has escalated to $2.071 billion), provides no certainty of "economically rational RPS compliance."

For all of these reasons, § 399.25 is inapplicable to Sunrise.

4.4. Rebuttable Presumption of Economic Need

The Commission's *Economic Methodology Decision*[32] adopted principles and minimum requirements to be followed in modeling the economic benefits generated by a proposed transmission line. The *Economic Methodology Decision* creates a rebuttable presumption in favor of an economic evaluation approved by CAISO's Board of Directors, provided the economic evaluation meets the

[32] *Economic Methodology Decision,* D.06-11-018.

decision's principles and minimum requirements and CAISO complies with specific procedural safeguards. Those safeguards are intended to ensure, among other things, that CAISO provided an opportunity for public comment on its economic evaluation and substantively considered any public comment in the evaluation presented to its Board. The *Economic Methodology Decision* expressly restricts application of the rebuttable presumption to future proceedings unless the economic analysis at issue "complies with the safeguards and requirements of this decision and the assigned commissioner of a pending transmission proceeding issues a ruling that explicitly elects to apply it to that application."[33]

CAISO and SDG&E argue that this rebuttable presumption should apply to CAISO's economic evaluation of the Proposed Project. We disagree. At the time the *Economic Methodology Decision* issued, SDG&E's 2005 Application had been pending for almost one year. Likewise, CAISO's Board already had approved CAISO's economic evaluation of the Proposed Project, which had been presented to the Board as part of CAISO's South Regional Transmission Plan. Furthermore, the assigned Commissioner for Sunrise never issued a ruling that elected to apply the rebuttable presumption to either the 2005 Application or the subsequent 2006 Application. CAISO acknowledges that no party ever moved for a ruling and no such ruling ever issued. However, CAISO characterizes the absence of a ruling as a "lack of technical compliance with the precepts" of the *Economic Methodology Decision*.[34] We do not agree.

The *Economic Methodology Decision* was issued to ensure that parties know early in a pending proceeding what evidentiary burden they will bear in challenging a CAISO economic analysis. The Assigned Commissioner's ruling

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[33] D.06-11-018, 26.

[34] CAISO Phase 1 Opening Brief, 19.

required by the decision serves an important substantive purpose and is not a procedural technicality.

In addition, in the CPCN review at the Commission CAISO has not relied upon the economic evaluation presented to its Board. Instead, CAISO presented an entirely new economic analysis, which it developed during Phase 1 and 2 hearings, largely in response to comments from the parties. Thus, the CAISO Board-approved economic evaluation has become irrelevant.[35]

To the extent SDG&E and CAISO argue that a rebuttable presumption should be granted CAISO' subsequent economic evaluation (the one developed during our CPCN review), we decline to do so for at least three reasons. First, the *Economic Methodology Decision* adopted the rebuttable presumption to "streamline" the CPCN portion of a proceeding by having an economic evaluation that reflects a significant amount of public review and input presented at the beginning of a proceeding.[36] The economic evaluation CAISO developed during the course of our Sunrise CPCN review, while helpful to the record and informed by public input, does not fulfill this streamlining purpose. Second, though CAISO's economic evaluation is extensive, it does not comply with CAISO's own Transmission Economic Assessment Methodology (TEAM)[37]

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[35] Moreover, the CAISO Board-approved economic evaluation does not comply with the principles and minimum requirements of the *Economic Methodology Decision,* nor does it comply with the express procedural safeguards that decision requires before a rebuttable presumption can apply.

[36] See, e.g., *Economic Methodology Decision,* 3 [a rebuttable presumption is granted provided "the CAISO Board-approved evaluation is submitted to the Commission within sufficient time to be included within the scope of the proceeding."].

[37] TEAM is CAISO's proposed methodology for quantifying the economic benefits of transmission projects. CAISO considers five aspects of this methodology, which it terms key principles, to be necessary to any economic evaluation of a proposed transmission project." One of these five key principles is an uncertainty analysis. The

for economic evaluations, nor does it comply with the principles and minimum requirements set forth in the *Economic Methodology Decision*. Third, granting a rebuttable presumption at this stage would be fundamentally unfair to the other parties, who have already developed their showing with the understanding that the rebuttable presumption does not apply to Sunrise.

5. SDG&E's Electric System

It is important to understand the structure of SDG&E's electric system to understand the potential role Sunrise[38] may play in that system.

SDG&E's service area covers all of San Diego County and some of Southern Orange County. SDG&E serves its customer demand through a combination of in area generation resources and imported capacity delivered from the east and south through the Imperial Valley and San Miguel (Miguel) Substations and delivered from the north through the San Onofre Nuclear Generating Station (SONGS) switchyard. We first discuss SDG&E's transmission and generation resources, including future generation resources that may be added to SDG&E's system. We then discuss the reliability criteria that establish SDG&E's Local Capacity Requirements, and how these criteria determine the generation and transmission resources SDG&E needs to operate its system. We

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Economic Methodology Decision describes CAISO's TEAM methodology in more detail. See *Economic Methodology Decision*, 10-11.

[38] Though as a general rule throughout this decision we use "Sunrise" as defined in the EIR/EIS to refer to the Proposed Project and all of its alternatives, including both transmission and generation alternatives, for purposes of the discussion in Sections 5 through 14, however, we follow the convention followed by parties in the CPCN portion of this proceeding and use "Sunrise" to mean the Proposed Project and all of the Northern and Southern Route Alternatives considered in the EIR/EIS. In other words, in Sections 5-14, we use "Sunrise" to mean all transmission alternatives except the LEAPS Transmission-Only Alternative (which is included in the LEAPS Transmission Plus Generation Alternative).

then describe the future transmission plans of SDG&E's eastern neighbor, the Imperial Irrigation District, including the proposed Green Path project.

5.1. SDG&E's Transmission Resources

SDG&E's service area has three high voltage transmission connections with other service areas: Path 44 to the San Luis Rey and Talega Substations, the Imperial Valley Substation linking to the Southwest Powerlink and other lines, and the Miguel Substation, linking to the Tijuana Substation in Baja, Mexico.

Path 44, running north and south between the SDG&E and Edison service areas, consists of five 230 kV lines, two from SONGS to SDG&E's Talega Substation, and three from SONGS to SDG&E's San Luis Rey Substation. The rating for Path 44, which has not been updated since 2001, is 2,500 MW.[39]

The Imperial Valley Substation connects SDG&E's system to the Imperial Irrigation District, Baja California in Mexico, and points east. SDG&E's Southwest Powerlink transmission line, which is SDG&E's only 500 kV transmission line, connects SDG&E's system to Arizona. It runs from SDG&E's Miguel Substation in the west of its service area to the Imperial Valley Substation at the eastern edge of SDG&E's service area, and then to the Palo-Verde transmission hub in Arizona. Transmission lines also run from the Imperial Valley Substation to:

- The Imperial Irrigation District system via a 230 kV transmission line that runs north from the Imperial Valley Substation to El Centro.
- The La Rosita Substation in Baja, Mexico via a 230 kV line that runs south from the Imperial Valley Substation; and
- Three gas fired generators totaling 1,070 MW of capacity in Baja, Mexico. The 600 MW *Termoelectrica de Mexicali* plant is

[39] UCAN Phase 1 Opening Brief, 78.

owned by an affiliate of SDG&E; the 160 MW *Ciclo Combinado Mexicali* plant and the 310 MW *Central La Rosita* plant are owned by affiliates of Intergen.

SDG&E also connects to the *Comision Federal de Electricidad* (Mexican Electricity Commission) system via a 230 kV transmission line from the Miguel Substation to the Tijuana Substation in Baja, Mexico.

5.2. SDG&E's Generation Resources

Existing generation resources in San Diego's service area include:

- The Palomar Energy Facility – 541.5 MW[40] connected at 230 kV;
- The Encina Power Plant – 960 MW connected at 138 and 230 kV;
- The South Bay Power Plant – 702 MW connected at 69 and 138 kV;
- A number of combustion turbines, qualifying facilities and small renewable generators totaling 728 MW and connected at lower voltages;
- A 50 MW (nameplate) wind generation facility connected at 69 kV; and
- A 4.5 MW contract with the San Diego County Water Authority for power from the Rancho Peñasquitos Hydro Facility.

[40] Unless otherwise stated, capacities are Net Qualifying Capacity as set forth in CAISO's Compliance Exhibit. CAISO determines Net Qualifying Capacity to establish how much a generator will count towards meeting peak demand in the Local Reliability Area where it is located. CAISO defines Net Qualifying Capacity as the capacity of a generator under summer peak load conditions. CAISO measures Net Qualifying Capacity at the generator's terminal.

5.3. Future Generation Additions

The existing South Bay Power Plant and the part of the Encina Power Plant are likely to retire at some point in the next decade. As a result, several future generation additions are planned for SDG&E's service area.

SDG&E has signed Power Purchase Agreements for the following future resource additions to serve its bundled customer load:

- The 561 MW Otay Mesa Generating Project in the southern portion of SDG&E's service area projected to be online in 2009;
- Contracts with the 94 MW Pala Peaker under development by J Power at SDG&E's Pala Substation and the 44 MW Margarita Peaker under development by Wellhead Power at SDG&E's Margarita Substation, both projected to be online before 2010;
- The 40 MW Lake Hodges Pumped Storage Project projected to be online by 2010;
- The 20 MW Bull Moose Biomass Facility projected to be online by 2010; and
- A 20 MW increase in capacity at the existing Palomar Energy Facility due to the installation of air inlet coolers by 2010.

SDG&E also has contracts with several demand response suppliers, including:

- An 8 MW contract with Envirepel at Ramona; and
- A 20 MW contract with EnerNOC.[41]

SDG&E has also announced Power Purchase Agreements with projects in the Imperial Valley including:

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[41] SDG&E also has a signed contract for an additional 30 MW with EnerNOC that was submitted to the Commission for approval via an Advice Letter. The Commission rejected the Advice Letter because the authority sought requires CPCN review. SDG&E has not yet submitted the CPCN application.

- A three phase contract for 900 MW of solar thermal generation with Stirling Energy Systems;
- Two 20 MW contracts with Esmeralda for geothermal generation; and
- Two 49.5 MW contracts with Bethel solar thermal generation.

There are also three combined cycle generation facilities proposed for construction in SDG&E's service area. They are in varying stages of development, and are described in more detail in Section 6.7 below:

- The South Bay Replacement Project - 620 MW (nameplate capacity);
- The San Diego Community Power Project (also known as the ENPEX project) – 750 MW (nameplate capacity)
- The Encina Power Plant Repowering (also known as the Carlsbad Energy Center) - 540 MW (nameplate capacity)

Additionally, SDG&E issued 2006 and 2007 Requests for Offers for peaking and baseload resources to come online in 2008 and 2010-2012 respectively (2006 and 2007 Peaker RFOs). These solicitations resulted in SDG&E's signed contracts for the Pala and Margarita Peakers, totaling 138 MW. There is evidence that SDG&E continues to negotiate with some of the bidders in those solicitations and that additional generation resources may be available in SDG&E's service area after 2010. These projects include:

- A 49 MW contract with the Miramar II Peaker, which was submitted to this Commission for approval on June 16, 2008;[42]
- A 15 MW diesel fired peaking plant in Borrego Springs; and
- The repowering of the MMC Generation Facility located in Chula Vista and currently in permitting at the Energy

[42] A.08-06-017. We do not prejudge the outcome of other pending applications in this decision.

> Commission. The repowering would replace an existing 44.5 MW gas fired peaking plant with a nominal 100 MW gas fired peaking plant.

Finally, the Commission has approved the installation of a significant amount of new solar photovoltaic (PV) capacity in SDG&E's service area pursuant to the California Solar Initiative. SDG&E and others have provided a range of the firm capacity associated with this new resource, from 70 MW[43] to 150 MW[44] or more.[45] In addition, SDG&E has an application pending before this Commission to build, own, and operate an additional 35 MW (alternating current) of solar PV in its service area.[46]

5.4. Local Capacity Requirement

SDG&E's Local Capacity Requirement – both now and in the future – is a critical factor in determining whether Sunrise or other generation or transmission resources are needed to meet reliability criteria. Pursuant to reliability criteria established by the North American Electric Reliability Corporation (NERC), SDG&E must have enough local generation resources to reliably serve all load in its Local Reliability Area[47] after the loss of the largest generating unit in its service area followed by the loss of its most critical transmission line (the "G-1/N-1" criteria). The G-1/N-1 criteria determine SDG&E's "Local Capacity Requirement" since the Local Capacity Requirement is the amount of local

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[43] See note 88, below.

[44] SDG&E Exhibit SD-26, Exhibit A, 15.

[45] UCAN Phase 1 Opening Brief, 173.

[46] A.08-07-017.

[47] SDG&E's Local Reliability Area is currently the same geographic region as SDG&E's service area.

generation that SDG&E must have to continue operating reliably after a G-1/N-1 event.

Today, the worst G-1/N-1 event for the San Diego area would be the overlapping outage of the SDG&E-owned Palomar power plant (G-1) plus loss of the Imperial Valley – Miguel 500 kV segment of Southwest Powerlink (N-1).[48] This G-1/N-1 event will change when a generator with a greater capacity than Palomar is installed in the SDG&E Local Reliability Area (for example, Otay Mesa) or if a new transmission line interconnects into the SDG&E Local Reliability Area and the loss of that line results in a greater reduction in import capacity than the loss of the Imperial Valley – Miguel segment of the Southwest Powerlink. Additionally, CAISO constantly reevaluates the Local Capacity Requirement and may modify it due to many factors, including changes in the regional transmission grid, or changes in the amount of generation available in SDG&E's Local Reliability Area.

5.5. Upgrades Planned for Neighboring Transmission Systems

5.5.1. Imperial Irrigation District Transmission Upgrades

Imperial Irrigation District claims to have several transmission projects underway that will either complement a Southern Route Alternative[49] to Sunrise or will provide the ability to deliver renewable (and non-renewable) energy from the Imperial Valley to CAISO customers. In addition to the Green Path project described below, Imperial Irrigation District is developing the following projects:

- The Coachella Valley-Devers 2 project, which will carry up to 1,600 MW via either a double-circuit 230 kV or single-circuit

[48] SDG&E Phase 1 Opening Brief, 83.

[49] We describe the Southern Route Alternatives in Section 17.7.

500 kV line from the Imperial Irrigation District's Coachella Valley Substation to the proposed Devers 2 Substation, thus connecting to the Los Angeles Department of Water and Power and CAISO control areas:[50]

- The new 230 kV Midway-Bannister line which will allow 1,200 MW of renewable energy to flow from Imperial Irrigation District to Edison or SDG&E;[51]
- The new 230 kV Dixieland-Imperial Valley line, which will increase export capability from the Imperial Irrigation District to SDG&E by 400 MW;[52] and
- A re-rating of and upgrades to Path 42, which interconnects the Imperial Irrigation District and Edison systems. Imperial Irrigation District is increasing the rating of Path 42 from 600 MW to 800 MW in order to increase the amount of resources that will flow to the CAISO grid through Edison's system. This change in rating will not require any transmission upgrades.[53] In addition to the re-rating, CAISO assumes that additional upgrades will occur on Path 42 to increase its transfer capability to 1,200 MW.[54]

Imperial Irrigation District also has plans to expand its system to the east to connect to the Arizona Public Service grid and the Southwest Powerlink via a project known as the Highline-Knob-North Gila transmission line.[55]

5.5.2. Green Path

Green Path is a very large transmission project sponsored by the Los Angeles Department of Water and Power, the Imperial Irrigation District, and

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[50] Imperial Irrigation District Exhibit ID-3, 8.

[51] Imperial Irrigation District Exhibit ID-3, 4-5.

[52] Imperial Irrigation District Exhibit ID-3, 4-6.

[53] Imperial Irrigation District Phase 2 Opening Brief, 21.

[54] The Compliance Exhibit makes this assumption.

[55] UCAN Phase 2 Opening Brief, 39.

possibly Citizens Energy.[56] Green Path will interconnect the Imperial Irrigation District grid with the CAISO and Los Angeles Department of Water and Power grids, thereby allowing, among other things, transmission of Imperial Valley renewables to load centers in Southern California.[57]

Green Path consists of two major transmission components. The southern component, which we refer to as Green Path South, consists of a transmission path connecting Imperial Irrigation District's existing Coachella Valley Substation to Edison's existing Devers Substation, passing through Imperial Irrigation District's proposed Indian Hills Substation and Edison's proposed Devers 2 Substation.[58] Green Path South would not directly interconnect with the SDG&E system. The northern component of Green Path would continue north and then west from the new Devers 2 Substation, up to Los Angeles Department of Water and Power's service area.[59]

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[56] RT 5571.

[57] RT 2661-2662.

[58] The southern component of Green Path consists of: (1) a new 500 kV Devers 2 Substation; (2) one or two new one-mile 500 kV lines connecting the new Devers 2 Substation to the existing Devers Substation (which would be the point of interconnection between Green Path and the CAISO grid); (3) a new 30-mile 500 or 230 kV transmission line from a new Imperial Irrigation District Indian Hills Substation to the new Devers 2 Substation; and (4) a new 230 kV line from the new Imperial Irrigation District Indian Hills Substation to its existing Coachella Valley Substation.

[59] The northern component of Green Path consists of: (1) a new 500 kV Hesperia Substation; (2) a new, 85-mile, 500 kV transmission line from the Devers 2 Substation to the Hesperia Substation; and (3) a new 5-mile 287 kV tap line from the Hesperia Substation to the existing Victorville – Century line, which would create a Century – Hesperia 287 kV line. The Hesperia – Victorville portion, approximately 17 miles long, would be upgraded to 500 kV.

CAISO assumes that Green Path, in conjunction with the proposed Talega/Escondido – Valley/Serrano transmission line (TE/VS),[60] would allow delivery within the CAISO system of up to 2,000 MW of renewable resources from the Imperial Valley and points east or south.[61]

6. Modeling Assumptions for the Analytical Baseline

As we discuss in Section 4.2, before granting a CPCN for Sunrise, we must find it is needed within the context of § 1001. SDG&E claims that Sunrise is needed to provide the following benefits to its ratepayers:

- Access to low cost out-of-state power;
- Enhanced reliability; and
- Access to low cost renewable resources.

These three benefits mirror the three Basic Project Objectives identified for use in our environmental analysis of Sunrise. The CPCN portion of this proceeding has, to a great extent, been devoted to quantifying these three benefits to determine whether the Proposed Project can meet these goals more economically than other alternatives.

We model SDG&E's three benefits as follows:

- Access to low cost out-of-state power = energy benefits generated by energy cost savings;
- Enhanced reliability = reliability benefits generated by reducing Local Capacity Requirements; and

[60] TE/VS is described in more detail in note 235, below, and in the text accompanying that note.

[61] CAISO Phase 1 Opening Brief, 30.

- Access to low cost renewable resources = RPS compliance savings generated by developing the most cost-effective renewable resource areas first.[62]

The assumptions underlying the modeling have significant impacts on the projected benefits generated by the models. For example, a typographical error by SDG&E regarding future gas prices produced estimated energy benefits of $468 million per year – nearly five times its previous estimates, and more than twice the next highest estimate SDG&E used in this proceeding.[63]

Consequently, the debates over modeling have focused on the parties' assumptions underlying their modeling – the Analytical Baseline from which their modeling starts. This Section 6 explores those Analytical Baseline disputes and adopts the Analytical Baseline assumptions we rely upon to determine the energy benefits, reliability benefits, and RPS compliance savings generated by the various Sunrise alternatives.

Section 7 explains what the Analytical Baseline assumptions tell us about the reliability need or "shortfalls" predicted for SDG&E's service area, when they will be, and how large they will be.

Following the discussion of reliability need in Section 7, we address the parties' efforts to model energy benefits (Section 8), reliability benefits (Section 9), RPS compliance savings generated by the Sunrise alternatives (Section 10), and the net benefits they project for the Sunrise alternatives (Section 11). Net benefits are calculated by adding together energy benefits, reliability benefits, and RPS cost savings and then subtracting the projected cost

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[62] There are a number of qualitative benefits that cannot be quantified at all, and we address those benefits in Section 9.3.4, below.

[63] See discussion in Section 8.3, below.

of the project. In each of these sections, we identify our conclusions on the major areas in dispute.

After considering the net benefits, we examine in Section 11.3 the net benefit results from CAISO's Compliance Exhibit - modeling performed by CAISO at the end of the proceeding using many of our Analytical Baseline assumptions. In Section 11.4 we "update" the Compliance Exhibit (Update) to estimate net benefits for the Proposed Project and its alternatives based on our adopted Analytical Baseline assumptions. Based on this Update, and the net benefits it projects, we summarize our conclusions about the benefits of the transmission and generation alternatives, and consequently the need for Sunrise.

6.1. Summary of Adopted Analytical Baseline Assumptions

We adopt CAISO's modeling approach to quantifying energy and reliability benefits, and RPS compliance savings, but we deviate from CAISO's final Phase 2 modeling assumptions in the following ways:[64]

- We rely on the Energy Commission staff's November 2007 Forecast of 1-in-10 peak demand (Section 6.2), including its embedded assumptions for the California Solar Initiative (Section 6.3), energy efficiency (Section 6.4), and other distributed generation (Section 6.5);
- We adjust the November 2007 Forecast by including the demand response savings we have approved in SDG&E's most recent Long Term Procurement Plan (Section 6.6);
- We assume that the existing South Bay Power Plant will retire by December 31, 2012 or the end of the year in which Sunrise comes online, whichever is earlier (Section 6.7.1);

[64] Table B-1 in Appendix B sets forth all of the assumptions modeled in the CAISO Compliance Exhibit.

- We assume 540 MW from the Carlsbad Energy Center will come online in the summer of 2013, resulting in a net increase of 222 MW (Section 6.7.3);
- We assume only 25% of the new coal fired generation identified in the SSG-WI database[65] will come online and that gas fired combined cycle resources will be used to replace the canceled coal plants (Section 6.8);
- We assume that at least 50% of the out-of-state renewables identified by CAISO for its RPS Cost Savings modeling will be available to California (Section 6.11);
- We adopt CAISO's initial renewable cost estimates (Section 6.13);
- We assume the implementation of UCAN's Miguel Import Limit Upgrade (Section 6.14.2);
- We assume Imperial Irrigation District's Path 42 increased rating and upgrades (reflecting a transfer capability of 1,200 MW) and its Dixieland-Imperial Valley line (Section 6.14.5);
- We assume Rancho Peñasquitos' proposed Coastal Link Alternative (Section 6.14.7);
- We assume combustion turbine costs to be $120/kW-year (2007$, escalated at 2% per year) including a transmission cost adder of 35.2% for new combustion turbines (Section 6.16); and
- We assume SDG&E's estimated capital costs for all of the Sunrise alternatives, and SDG&E's 58-year amortization period for the Sunrise transmission alternatives, but we assume UCAN's projected operating and maintenance costs of $26.3 million per year, which will add $22.4 million per year to SDG&E's projected costs for the various Sunrise routes (Section 6.17).

These assumptions, in conjunction with CAISO's other modeling assumptions, form our Analytical Baseline for determining the energy benefits,

[65] See note 139 below.

reliability benefits, and RPS compliance saving estimates generated by all of the Sunrise alternatives.

6.2. Assumptions Regarding the Proper Peak Demand Forecast

6.2.1. Parties' Positions

Parties have proposed a variety of different approaches to determining the peak demand forecast for use in the Analytical Baseline. Most parties, including SDG&E, UCAN, and DRA, started with some iteration of the Energy Commission's 1-in-10 peak demand forecast from the 2006 Integrated Energy Policy Report (2006 Forecast). During the course of the proceeding, the Energy Commission staff updated its 1-in-10 peak demand forecast several times. Some parties adjusted their peak demand forecasts to more or less track the Energy Commission changes. The 2006 Forecast, and those afterward, include the impact of expected savings from energy efficiency and distributed generation (including the California Solar Initiative), but do not include savings projected from demand response, including savings expected from the installation of advanced metering infrastructure (AMI).

SDG&E originally relied upon the 2006 Forecast.[66] SDG&E amended its Analytical Baseline in Phase 1 to address, in part, the Energy Commission staff's May 2007 update.[67]

CAISO began with the Energy Commission staff's May 2007 forecast,[68] but it did not use the Energy Commission staff projections of peak demand in future years. Instead, it took the 1-in-10 peak demand forecasted by the Energy

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[66] SDG&E Exhibit SD-26.

[67] SDG&E Phase 1 Opening Brief, 64.

[68] CAISO Phase 1 Opening Brief, 21, referring to Energy Commission, "Staff Forecast of 2008 Peak Demand," report Energy Commission-200-2007-006, May 2007.

Commission for 2008 and then escalated it by 1.7% per year to generate the peak demand forecast for future years. CAISO used this escalation rate because it was equal to the historic growth in peak demand from 2006-2008. However, 1.7% is not the long term rate used to generate future peak demand in either the May or November 2007 forecasts.[69] CAISO relied on its own future forecasts, and made no revisions to its escalation rates, for the duration of the proceeding. CAISO claims it evaluated the impact of correcting its escalation rates to be consistent with the November 2007 Forecast, and determined that the impact was not significant.[70] Though CAISO refers to this evaluation in its Phase 2 Opening Brief, CAISO never offered the evaluation in evidence and the evaluation is not part of the record of this proceeding.[71]

UCAN began with the 2006 Forecast, but made a number of adjustments in projected demand-side reductions to reflect what it characterized as more recent updates.[72] At the end of Phase 1, UCAN recommended using the Energy Commission staff's October 2007 forecast, with adjustments to supply discussed below.[73]

In Phase 2, all of the parties except CAISO used the November 2007 Forecast as the basis of their peak demand forecasts in their Analytical Baselines. As stated above, CAISO continued to rely upon its initial demand forecast throughout the proceeding.

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[69] See, e.g., California Energy Demand 2008-2018, Staff Revised Forecast, California Energy Commission-200-2007-015-SF2, November 2007, 144 (November 2007 Forecast).

[70] RT 5540-5541.

[71] CAISO Phase 2 Opening Brief, 10; RT 5418.

[72] UCAN Phase 1 Opening Brief, 9.

[73] UCAN Motion Requesting the Commission Take Official Notice of Regulatory Filings, November 9, 2007.

6.2.2. Discussion

The Scoping Memo ordered parties to use, to the degree possible, "the most recent Commission-adopted assumptions, goals, policies and levels of effort in its base case forecasts of loads and resources."[74] The *Economic Methodology Decision* sets forth this requirement also.[75] The Commission's December 2007 decision in the Long Term Procurement Plan proceeding (*LTPP Decision*) uses the Energy Commission's November 2007 Forecast.[76] While the *LTPP Decision* relies on a 1-in-2 peak demand forecast for determining procurement authorization, the November 2007 Forecast also includes a 1-in-10 peak demand forecast. For consistency with the *LTPP Decision*, we adopt the November 2007 Forecast of 1-in-10 peak demand.

6.3. California Solar Initiative Adjustments to the Peak Demand Forecast

6.3.1. Parties' Positions

In Phase 1, SDG&E's projected load reduction associated with the California Solar Initiative increased from 2 MW in 2008 to 150 MW in 2015. This assumption is consistent with SDG&E's 2006 Long Term Procurement Plan application.[77] SDG&E characterized its assumptions regarding the penetration rate of solar PV as well as the coincidence factor (i.e., that the solar PV systems will generate at 50% of their installed capacity during peak hours) as "extremely

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[74] *Scoping Memo*, 13.

[75] *Economic Methodology Decision*, Attachment A, 5-6.

[76] *LTPP Decision,* D.07-12-052, 39.

[77] SDG&E Compliance Filing in R.06-02-013, "2007-2016 Long Term Procurement Plan," (December 11, 2006).

aggressive."[78] In Phase 2, SDG&E lowered its projections, consistent with the November 2007 Forecast, to 13 MW in 2010 and 30 MW by 2015.[79]

CAISO assumes California Solar Initiative impacts consistent with SDG&E's Phase 1 and Phase 2 estimates. UCAN claims that SDG&E stopped increasing the impacts of the program after 2015 and that SDG&E could achieve an additional 60 MW of solar PV capacity by 2017.[80]

In Phase 2, Powers Engineering presented an alternative to Sunrise based entirely on solar PV, other forms of distributed generation, and energy efficiency. This alternative is described in the Powers Engineering report, "San Diego Smart Energy 2020 – The 21st Century Alternative" (Smart Energy Report).[81] The Smart Energy Report proposes the "San Diego Solar Initiative" to install 2,040 MW (nameplate, alternating current) of rooftop solar PV, with an emphasis on large commercial installations, coupled with battery storage to allow full use of this capacity during peak demand periods.[82] This proposal anticipates financing through $1.5 billion of ratepayer funded incentive programs.[83] Under the proposal, solar PV and other renewable distributed generation would provide half of the San Diego County energy demand that Powers Engineering projects for 2020.[84]

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[78] SDG&E Phase 1 Opening Brief, 47.

[79] SDG&E Phase 2 Reply Brief, 240-41.

[80] UCAN Phase 1 Opening Brief, 14.

[81] RT 3403.

[82] Powers Engineering Exhibit Powers-1, Attachment B, 3.

[83] Powers Engineering Exhibit Powers-2, 3. Powers Engineering also proposes a scaled-down Solar Initiative of 920 MW of solar PV at a projected cost of $700 million.

[84] Powers Engineering Exhibit Powers-2, 3.

SDG&E opposes the Powers Engineering proposal because none of its thousands of megawatts are identified as under construction, sited, or even proposed by developers.[85] SDG&E further questions the accuracy of the Powers Engineering cost-effectiveness claims, cost assumptions, program penetration assumptions, and the technical feasibility of the battery backup systems proposed to meet the utility's peak demands.[86]

6.3.2. Discussion

The November 2007 Forecast includes an adjustment to peak demand to reflect Energy Commission staff estimates of the effects of the California Solar Initiative programs.[87] However, these estimates differ significantly from those initially assumed by SDG&E and other parties in this proceeding. For example, parties generally assumed in Phase 1 that the California Solar Initiative would reduce peak demand by approximately 150 MW by 2015, while the November 2007 Forecast assumes that it will reduce peak demand in 2015 by only 30 MW.[88] For consistency with the *LTPP* Decision, we adopt these determinations of the November 2007 Forecast for purposes of the Analytical Baseline. However, we

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[85] SDG&E Phase 2 Opening Brief, 237.

[86] SDG&E Phase 2 Opening Brief, 237-8.

[87] SDG&E Phase 2 Opening Brief, 136.

[88] SDG&E implies that its Phase 2 California Solar Initiative levels are too low and should be at least 70 MW, rather than the 33 MW that the November 2007 Forecast assumes for 2016 and that it uses in this proceeding. SDG&E claims that the Commission has allocated California Solar Initiative funds such that SDG&E will receive enough funding to acquire 180.3 MW (nameplate). See D.06-12-033, Appendix B, Table 11. SDG&E claims that the firm peak delivery from those solar PV units will be 39% of nameplate. See SDG&E Exhibit SD-27, 6, e.g. 180.3 MW * 39% = 70 MW. This is significantly greater than 33 MW. See SDG&E Phase 1 Opening Brief, 47-48.

revisit the import of the California Solar Initiative, and its impacts on the need for Sunrise, in Section 11.3, below.

6.4. Energy Efficiency Adjustments to the Peak Demand Forecast

6.4.1. Parties' Positions

The 2006 and 2007 Energy Commission forecasts include energy efficiency assessments. However, UCAN asserts that the forecasts do not reflect all feasible energy efficiency improvements. Thus, UCAN makes a number of adjustments to the 2006 and 2007 Forecasts, pointing to more recent Energy Commission forecasts projecting higher levels of energy efficiency impacts in SDG&E's territory.[89] UCAN recommends adjusting the November 2007 Forecast to reflect post-2008 energy efficiency impacts of 0 MW in 2009, 26 MW in 2010, and 115 MW in 2016.[90] UCAN also points to approximately 102 MW of additional energy efficiency attributable to new building standards that will materialize over a 10-year period, at about 10 MW a year.[91]

Powers Engineering recommends reducing SDG&E's forecasted energy usage by 20% relative to a 2003 baseline through energy efficiency measures.[92] SDG&E challenges this proposal, claiming that Powers Engineering fails to identify any energy efficiency measures incremental to that already assumed by SDG&E and the Energy Commission.[93] SDG&E claims that the cost-effectiveness of the one specific measure Powers Engineering identified, the installation of

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[89] UCAN Phase 1 Opening Brief, 43; see also UCAN Phase 2 Opening Brief, 60-61.

[90] UCAN Phase 2 Opening Brief, 60.

[91] UCAN Exhibit 10, 23-24.

[92] Powers Engineering Exhibit Powers-1, 5.

[93] SDG&E Phase 2 Opening Brief, 238.

high-efficiency air conditioners, is highly questionable due to the conflation of incremental and replacement costs.[94]

6.4.2. Discussion

We decline to adopt the energy efficiency assumption changes proposed by UCAN and Powers Engineering. For consistency, we adopt the approach followed in the *LTPP Decision,* which assumes the level of energy efficiency already embedded in the November 2007 Forecast.[95]

6.5. Distributed Generation Adjustments to the Peak Demand Forecast

6.5.1. Parties' Positions

The 2006 and 2007 Energy Commission forecasts take projected distributed generation into account. Nevertheless, UCAN points to SDG&E's "Utility of the Future" proposal and claims that SDG&E asserts that this program might induce 48-159 MW of additional distributed generation.[96] Powers Engineering suggests an additional 700 MW of "clean" distributed generation from combined heat and power sources.[97]

6.5.2. Discussion

The November 2007 Forecast includes adjustments for the effects of the distributed generation and we accept those adjustments here to be consistent with the *LTPP Decision*, which also defers to the November 2007 Forecast.[98]

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[94] SDG&E Phase 2 Opening Brief, 238.

[95] LTPP Decision, 53.

[96] UCAN Phase 1 Opening Brief, 45.

[97] Powers Engineering Exhibit Powers-2, 5. This combined heat and power generation is proposed to replace the in-area combined cycle plant in the All-Source Generation Alternative discussed in Section 17.4.

[98] *LTPP Decision*, 29.

6.6. Demand Response Adjustments to the Peak Demand Forecast

6.6.1. Parties' Positions

The 2006 and 2007 Energy Commission forecasts do not take into account projected impacts of demand response, including those expected from the installation of AMI.[99] Thus, parties attempted to quantify those impacts in this proceeding. Parties' positions on both of these issues changed multiple times during the proceeding, and the amount of demand response to include in the final Analytical Baseline was under debate through the last days of record development.

SDG&E and CAISO's original Analytical Baselines contained no demand response.[100] However, over time both CAISO and SDG&E agreed to include some demand response to meet Local Capacity Requirements, and to thus make demand response adjustments to the peak demand forecast. SDG&E eventually adjusted its peak demand forecast in its Analytical Baseline to account for 29 MW of demand response; CAISO adjusted its Analytical Baseline to account for 59 MW of demand response, which consisted of 3 contracts: Celerity (20 MW), Converge (9 MW), and EnerNOC (20 MW). DRA and UCAN recommended that the Analytical Baseline include CAISO's projected demand response, plus an additional 30 MW contract with EnerNOC that SDG&E has signed.[101] SDG&E

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[99] Demand response is a resource that allows end-use electric customers to reduce their electricity usage in a given time period, or shift that usage to another time period, in response to a price signal, a financial incentive, an environmental condition, or a reliability signal. The Commission has concluded that one of the benefits of AMI will be increased use of demand response.

[100] See SDG&E Exhibit SD-5, Vol. 2, Part 1, Chap. 2, page II-29; CAISO Exhibit I-1, Exhibit A, 3.

[101] UCAN Phase 2 Opening Brief, 5; see also DRA Phase 1 Opening Brief, 9.

and CAISO point out that this Commission did not approve the contract when SDG&E submitted it as an Advice Letter. UCAN and DRA respond that the Commission did not rule on the merits of the contract, but rather rejected the Advice Letter as an improper vehicle for review of the contract. The Commission invited SDG&E to file an application for CPCN review, but SDG&E has not yet done so.[102]

UCAN continues to assert that SDG&E's Analytical Baseline does not properly account for committed demand response savings. With respect to demand response not related to AMI, in addition to the 30 MW EnerNOC contract starting in 2008, UCAN asserts SDG&E's Analytical Baseline is still missing 4 MW starting in 2010.[103]

It has been difficult to determine how much AMI should be included in the Analytical Baseline. SDG&E initially assumed the same estimates contained in its AMI application approved by this Commission.[104] DRA assumed the same amounts. CAISO claims to have accounted for the impacts of SDG&E's AMI program, although CAISO's reported values were 72 MW less in 2010 than those reported by SDG&E, and approximately 26 MW less in 2011 through 2020.

UCAN adds an incremental 77 and 96 MW in 2010 and 2020, respectively, to SDG&E's AMI estimates, contending that SDG&E included these amounts in its Test Year 2008 General Rate Case.[105] SDG&E argues that UCAN's proposal is

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[102] RT 4852-4853.

[103] UCAN Phase 1 Opening Brief, 44.

[104] SDG&E Phase 1 Opening Brief, 51.

[105] UCAN Phase 1 Opening Brief, 44-45.

unreasonable since our final decision in that proceeding adopts a lower number.[106]

Later in Phase 1, SDG&E reduced its AMI estimates to 82 MW in 2010 and 232 MW in 2020, claiming that the Commission settlement in its General Rate Case will result in lower AMI savings than SDG&E projected.[107]

Powers Engineering recommends reducing electric demand by 1,136 MW relative to the 2007 peak demand, in part through demand response programs, including AMI.[108] With respect to demand response, Powers Engineering suggests that 231 MW of peak demand can be met by demand response.[109] It is not clear if this value is incremental to, or duplicative of, SDG&E's 279 MW (in 2020) AMI reductions.

6.6.2. Discussion

The parties differ significantly regarding their projections of future demand response, including impacts associated with AMI. The levels of demand response assumed by SDG&E in this proceeding do not reflect the current state of its demand response programs. For consistency with determinations made pursuant to the Long Term Procurement Plan proceeding, we adopt the demand response savings projected in SDG&E's most recent Long Term Procurement

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[106] SDG&E Phase 1 Reply Brief, 12. UCAN Exhibit U-66 is SDG&E's testimony in its 2008 Phase 2 General Rate Case (A.07-01-047). The AMI projections eventually adopted in D.08-02-034 (the Commission's decision on Phase 2 of SDG&E's General Rate Case) were lower than those shown in UCAN Exhibit U-66, which imply lower levels of AMI impacts. See *Motion for Adoption of All Party and All Issue Settlement*, A.07-01-047, November 1, 2007, Attachment 1, 7.

[107] SDG&E Phase 1 Opening Brief, 50-51, referring to D.07-04-043.

[108] Powers Engineering Exhibit Powers-1, Attachment B, 3.

[109] Powers Engineering Exhibit Powers-1, Attachment B, 73.

Plan, which also accounts for AMI and other price-sensitive demand response.[110] Table B-2 in Appendix B presents SDG&E's approved demand response impacts relative to the November 2007 Forecast.

[110] Approved in Resolution E-4189 (September 4, 2008).

6.7. Assumptions Regarding In-Area Fossil Resources

While parties initially disagreed over which in-area fossil resources to include in the Analytical Baseline, their proposals merged substantially over time. Table 1 sets forth the parties' final positions on which in-area fossil resources should be included in the Analytical Baseline:

Table 1: Parties' Positions Regarding In-Area Fossil Resources

	Retirement Date	Projected On Line Date – if applicable					
Party	**Existing South Bay Power Plant**	**Otay Mesa – 561 MW**	**Pala and Margarita Peakers – 138 MW[111]**	**Other Peakers**	**Carlsbad Energy Center – 540 MW**	**Palomar Air Inlet Coolers**	**Other Resources**
SDG&E[112]	End of 2009	2009	2010	N/A	N/A	N/A	N/A
CAISO[113]	2010	2009	Before 2010	N/A	N/A	2010	N/A
UCAN[114]	N/A	2009	Before 2010	46 MW for 2012 and beyond	By end of 2012	Before 2010	49 MW from MMC – in permitting
DRA[115]	No position	2009	Before 2010	N/A	N/A	N/A	N/A
South Bay[116]	After Feb 2010	N/A	N/A	N/A	N/A	N/A	N/A
Adopted Baseline[117]	No later than end of 2012	Before 2011	Before 2011	N/A	Before Summer 2013	Before 2011	N/A

[111] See note 126, below.

[112] SDG&E Exhibit SD-16, 21; SDG&E noted that the South Bay retirement would likely be contingent on Sunrise coming online. SDG&E Exhibit SD-7C, page II 13, note 18.

[113] CAISO Exhibit I-6, 31, Table 5.

[114] UCAN Phase 1 Reply Brief, 16; UCAN Phase 1 Opening Brief, Table 1; UCAN Phase 1 Opening Brief, Table 1.

[115] DRA Phase 2 Opening Brief, 27; DRA Exhibit D-66, Vol. 1, 3, Table ES-1.

[116] South Bay Phase 2 Opening Brief, 5.

[117] Compliance Exhibit, SDG&E LnR Table (Updated aug26cdr v3 E3.xls).

Parties generally agree on the amount of capacity provided by the existing generating units within SDG&E's service area. CAISO's capacity values differ slightly from those presented by others because it uses its established Net Qualifying Capacity values in its analysis, while others use dependable summer capacity. We adopt CAISO's Net Qualifying Capacity values for existing generation because CAISO is the organization responsible for assessing Local Capacity Requirements. We assume the same level of in-area fossil generation assumed by CAISO, as set forth in our description of SDG&E's system in Section 5.

Remaining disagreements focus on parties' projections of which plants will retire when, and what will replace them. We focus in the next three Sections on the most significant resources in question, and make findings and conclusions to arrive at our Analytical Baseline assumptions. We do not prejudge any pending application that may be addressing any specific resource discussed here.

6.7.1. The Existing South Bay Power Plant

The existing South Bay Power Plant is a 702 MW combined cycle facility located in the City of Chula Vista.[118] Parties disagree over what date to assume this plant will retire. Some units of the existing plant operate under Reliability Must Run (Must Run) contracts with CASIO and those units cannot retire until the CAISO releases them from their Must Run obligations.

The South Bay Replacement Project would replace the existing plant with a 620 MW facility located on a much smaller portion of the same site. Chula Vista officials oppose replacing the existing plant in its current location given interest

[118] The South Bay Power Plant consists of five units: four dual-fuel steam units (Units 1-4) and one combustion turbine (Unit 5). The five units of the existing South Bay Power Plant were installed between 1960 and 1971.

in developing the existing plant's bay property. LS Power, the replacement project's developer, withdrew its Energy Commission Application for Certification for the repower in the face of this opposition and because it failed to obtain a Power Purchase Agreement from SDG&E for the replacement project. It is unclear when development efforts will resume.

6.7.1.1. Parties' Positions

SDG&E and CAISO assume in Phase 1 that the existing South Bay Power Plant will retire before 2010. DRA disagrees, but does not offer an alternative date for its retirement.

South Bay points out that the existing South Bay Power Plant will not retire until three months after the last of three events occur: (1) the last day of the primary term of the lease (November 1, 2009); (2) certain bonds are paid off and retired; and (3) CAISO terminates and does not subsequently reinstate the Must Run status of the plant.[119] The key factor, according to South Bay, is CAISO's termination of the plant's Must Run status. South Bay argues that given the plant's size and strategic location within the San Diego load pocket, additional resources beyond those assumed in SDG&E's Analytical Baseline would be needed before CAISO would terminate the Must Run status of the plant. Thus, South Bay claims that one cannot assume that CAISO will allow the existing South Bay Power Plant to retire before the replacement resources are operational, and thus CAISO and SDG&E assumptions of a retirement before 2010 are unrealistic.

CAISO's position regarding the conditions under which it will release the existing South Bay Power Plant from its Must Run status have varied throughout

[119] South Bay Phase 1 Opening Brief, 19.

the proceeding. However, CAISO has always been clear that the existing South Bay Power Plant cannot retire until CAISO releases it from these obligations.[120]

Initially, CAISO appeared to take the position that the existing South Bay Power Plant could retire upon operation of Sunrise. However, a letter from CAISO to Chula Vista[121] describes that at least two of three sets of facilities are required to be online prior to a retirement of the existing South Bay Power Plant: the Otay Mesa Generating Facility, the Pala and Margarita Peakers, or Sunrise.

CAISO addressed additional conditions to the existing South Bay Power Plant's retirement in a CAISO study regarding the need for ocean-cooled power plants (like the existing South Bay Power Plant) to maintain reliability and integrate renewable resources.[122] In that study, CAISO implied that the existing South Bay Power Plant would not be able to retire until 900 MW came online from the Stirling Solar Project, or some similar project in the Imperial Valley.

CAISO also states that it will be "critically important" to maintain existing generating capacity to accommodate renewable resources that will come under the state's RPS program.[123]

6.7.1.2. Discussion

There is no question that the South Bay Power Plant is an old power plant and that it is critical to SDG&E's current reliability needs. We are not convinced, given the ages of the various units and the costs to replace them, that the existing South Bay Power Plant is viable as a long term resource. No party presented any engineering evidence that the existing South Bay Power Plant could continue to

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[120] RT 1834.

[121] DRA Exhibit D-102, Attachment I.

[122] CAISO Exhibit I-11.

[123] CAISO Exhibit I-10, 14.

operate for an extended period. However, SDG&E and CAISO will rely on the existing South Bay Power Plant in the short term if Sunrise is not online by 2010 and there is insufficient alternative in-area generation to meet reliability needs.[124] SDG&E admits that keeping the existing South Bay Power Plant in operation is probably the most reasonable option if Sunrise is delayed.[125] Thus, we conclude that it is highly likely that at least some units of the existing South Bay Power Plant will be kept online until Sunrise is in service or sufficient new in-area generation is built. Consequently, for our Analytical Baseline, we assume that the existing South Bay Power Plant will retire December 31, 2012 or the end of the year in which Sunrise comes online, whichever is earlier.

6.7.2. Peakers

6.7.2.1. Parties' Positions

CAISO, UCAN, and DRA all believe that the Pala and Margarita Peakers resulting from SDG&E's 2006 solicitation will come online before 2010.[126] UCAN proposes that we include an additional 46 MW of peaking capacity in the Analytical Baseline after 2010. In support, it identifies three potential plants to come online before 2012, including the 49 MW expansion of the MMC Power

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[124] RT 1832-1835.

[125] RT 1764; see also SDG&E Exhibit SD-26, 56.

[126] On September 20, 2008, CAISO issued an updated Local Capacity Requirements analysis stating that the Lake Hodges, Otay Mesa, and Pala and Margarita Peakers projects are being removed from the 2009 Local Capacity Requirements study "because of information provided by developers indicating that the 'in-service date' for these projects has been delayed beyond summer of 2009, making it [sic] ineligible for inclusion in the 2009 LCR Study." 2009 Local Capacity Technical Analysis – Report and Study Results Update for San Diego Area 1 (September 30, 2008). There is no indication that any of these projects will not be online before the end of 2010 in this report or in the record of this proceeding. This report is not part of the record in this proceeding.

Plant in Chula Vista, which is in permitting before the Energy Commission,[127] and two other peakers SDG&E is negotiating with as a result of its 2006 and 2007 RFOs – the Miramar II project and a new peaker in Borrego Springs. UCAN also claims that there are numerous other peaker projects being developed in SDG&E's service area. For example, UCAN identifies 330 MW of new combustion turbine capacity seeking to interconnect at SDG&E's Otay Mesa Substation.[128]

6.7.2.2. Discussion

We agree it is reasonable to include the Pala and Margarita Peakers as available before 2011 in the Analytical Baseline, and we understand that the CAISO has made this adjustment to its own Analytical Baseline. Even if these projects are delayed, there is still enough time to construct these plants or their replacements.

We find it more reasonable to consider other potential future peaker capacity as an alternative to Sunrise, rather than as part of the Analytical Baseline, since SDG&E theoretically could avoid the need for additional peakers if Sunrise were constructed. Thus, we do not include UCAN's other additional peaker capacity in the Analytical Baseline.

6.7.3. Other Fossil Resources

6.7.3.1. Parties' Positions

All parties agree that the 561 MW Otay Mesa Generating Project in the southern portion of SDG&E's service area should be included in the Analytical

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[127] The new MMC project is replacing an existing 45 MW peaking plant at the same site. The new facility has a nominal capacity of 100 MW. See link at: http://www.energy.ca.gov/sitingcases/chulavista/index.html.

[128] See UCAN Phase 2 Opening Brief, 58.

Baseline. It has a signed Power Purchase Agreement with SDG&E, is under construction, and is expected to be operational before 2011.

UCAN believes that we can expect the development of over 800 MW of new fossil fired plants in SDG&E's service area by 2016, and it identifies the following potential resources, in addition to the peakers discussed above:

- 222 MW of new net capacity in 2011 or 2012 from the Carlsbad Energy Center, currently in permitting at the Energy Commission;
- 565 MW from a new combined cycle plant interconnected in the Escondido area; and
- The planned addition of air inlet coolers at Palomar (20-24 MW).[129]

Cabrillo, the operator of the existing Encina Power Plant and the developer of the Carlsbad Energy Center that would replace part of Encina, notes that the Carlsbad Energy Center has filed an Application for Certification with the Energy Commission[130] and expects it to be acted on by the end of 2008. The existing plant has a nominal rated capacity of 965 MW. The new Carlsbad Energy Center would replace the existing steam boilers at Encina Units 1-3 (318 MW) with a more efficient 540 MW combined-cycle power plant.[131] The repowering would result in a 222 MW net increase in capacity at the Encina site.

DRA asserts that it is unrealistic to assume that other existing in-area generation, in particular the Encina Power Plant, will remain in operation until 2020.[132] DRA notes that additional generation could be developed pursuant to

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[129] UCAN Phase 2 Opening Brief, 58.

[130] Docket 07-AFC-06.

[131] Cabrillo Phase 1 Opening Brief, 3.

[132] DRA Phase 1 Opening Brief, 17-19.

offers currently pending before SDG&E in its 2007 request for offers (RFO), but it offers no assumptions to include in our Analytical Baseline.[133]

6.7.3.2. Discussion

CAISO includes the 561 MW Otay Mesa Generating Project and 20 MW from the Palomar air-inlet coolers in its updated Analytical Baseline, and we conclude that is appropriate to assume they will both be online before 2011 for our own Analytical Baseline.

Based upon the number of proposals for conventional fossil generation facilities in SDG&E's service area, and the advanced status of at least one of those proposals, we find it reasonable to expect that at least one other combined cycle unit, in addition to the Otay Mesa Generating Project, will come online in the next several years. We agree with UCAN that the Carlsbad Energy Center, in permitting at the Energy Commission, has a high likelihood of coming online by 2012 or 2013. For that reason, we assume a net increase of 222 MW before Summer 2013 as a result of including the Carlsbad Energy Center in the Analytical Baseline.

6.8. Assumptions Regarding Out-of-State Generation – Including Coal Plant Construction

An important assumption in the Analytical Baseline is the availability of out-of-state resources. If neighboring states in the Western Electricity Coordinating Council (WECC)[134] have more low cost resources than they can use,

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[133] DRA Phase 1 Opening Brief, 16.

[134] WECC is the interconnected transmission region in which California's investor-owned utilities operate. It is comprised of the western states, Baja California, and parts of Canada. A transmission line added to WECC grid will impact the dispatch of generation resources throughout WECC. Thus, we consider Sunrise's impact on that dispatch here.

then Sunrise may increase the amount of imported generation from these resources to the CAISO control area, thus potentially lowering energy prices in California. This is one component of the potential "energy" benefits generated by Sunrise.

A significant amount of the new import capability assumed for the future in WECC is coal fired generation. Thus, the Commission's decision on how much we assume actually will be constructed is important, both because of the impact of that assumption on the magnitude of the energy benefits for Sunrise and because of our decision's impacts on how we implement California's GHG policies pursuant to Assembly Bill (AB) 32,[135] SB 1368,[136] and our own loading order.[137]

6.8.1. Parties' Positions

Parties disagree significantly over the availability and type of low cost power to assume in WECC. Specifically, many parties believe that SDG&E and CAISO overestimate the amount of new generation that will be constructed in WECC.[138]

Both SDG&E and CAISO modeled energy dispatch behavior throughout WECC using SSG-WI data regarding the transmission, loads, and generation forecasted for WECC.[139] SDG&E modified the SSG-WI data in a number of ways.

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[135] AB 32 (Stats. 2006, c 598), codified at Health & Saf. Code § 38500 et seq.

[136] SB 1368 (Stats. 2006, c 488), codified at §§ 8340-8341.

[137] Energy Action Plan 1, May 8, 2003, 4; Energy Action Plan II, September 21, 2005, 2.

[138] These parties argue that this overstatement results in an overstatement of the energy benefits the Sunrise transmission alternatives will generate by displacing in state generation with low cost imports.

[139] SSG-WI was a volunteer effort staffed by WECC participants which, among other things, facilitated transmission planning across the western interconnect. SSG-WI

Most significantly, SDG&E replaced 1,300 MW of peakers assumed by SSG-WI to come online in the area of the Palo Verde Substation with combined cycle facilities that would generate more low priced power than the peakers they replaced.[140]

CAISO relied on SDG&E's modifications to the SSG-WI database in preparing its CAISO South Regional Transmission Plan[141] report for CAISO Board approval of Sunrise. However, after performing a "top-to-bottom" review of its CAISO South Regional Transmission Plan input assumptions early in this proceeding, CAISO elected not to retain most of SDG&E's changes to the SSG-WI data, including the replacement of the Palo Verde peakers with combined cycle facilities.[142]

SDG&E's use of the modified SSG-WI database (including the peaker to combined cycle adjustment discussed above) assumes that 6,988 MW of thermal capacity (a mix of coal, oil, gas, and nuclear) will be added in Arizona and New Mexico by 2015, of which 3,697 MW (over 57%) will be coal. Over the same time frame, CAISO projects 6,532 MW of thermal capacity additions in Arizona and New Mexico, of which 3,308 MW will be coal. In total, the SDG&E and CAISO Analytical Baselines both project over 12,000 MW of new coal plant construction in WECC by 2015, with approximately 7,500 MW constructed in the Rockies

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members assembled a database identifying existing and future loads and generation and transmission resources throughout WECC. Ultimately, the SSG-WI database was turned over to WECC and it is now managed and updated by WECC's Transmission Expansion Planning and Policy Committee (TEPPC).

[140] CAISO Exhibit I-1, Exhibit A, 7.

[141] 2006 Application, Volume 2 Part 2, Appendix I-1, 63, Table 6.16.

[142] RT 2591.

(including Alberta), 700 MW in Nevada, and 500 MW in the Pacific Northwest.[143] This new coal fired generation would exert downward pressure on regional spot prices, which could benefit SDG&E and other California load serving entities.

UCAN asserts that SDG&E assumes a "huge amount" of future overbuilding of coal and natural gas plants in Arizona and elsewhere, which Sunrise would supposedly import to California.[144] UCAN claims that only 400 MW of the 3,697 MW of coal plants included by SDG&E in Arizona and New Mexico (less than 11%) have been justified.[145] UCAN argues that using Sunrise to facilitate the delivery of coal fired resources to California conflicts with Commission policy discouraging reliance upon such fuels.[146]

SDG&E responds that state law only proscribes California load serving entities from entering into new long term contracts to purchase the output of high-GHG emitting sources, such as coal fired generation. SDG&E states that the law does not prevent load serving entities from "lowering their commodity costs by taking advantage of the lower spot market energy prices."[147]

UCAN also asserts that by assuming the construction of the combined cycle plants near Palo Verde Substation, plants which have not even been proposed, SDG&E unreasonably increases the projection of the amount of low cost generation in Arizona flowing to California over Sunrise.[148]

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[143] CAISO Exhibit I-7.

[144] UCAN Exhibit U-1, 6.

[145] UCAN Phase 1 Opening Brief, 197-198.

[146] CAISO Exhibit I-4, 120.

[147] SDG&E Exhibit SD-15, 29.

[148] UCAN Phase 1 Opening Brief, 195.

DRA believes that SDG&E assumes an "unsupportable WECC capacity expansion plan" for its modeling, including projections of 12,000 MW of new coal plant capacity. DRA questions the accuracy of the SSG-WI database relied upon by SDG&E, and believes SDG&E should have verified the database resource expansion assumptions through: (1) review of existing studies that have used the SSG-WI database; (2) discussion with the analysts who put that database together; and (3) review of the "reasonableness" of the results.[149] SDG&E states that it conducted such reviews and discussions, and checked the reasonableness of its results.[150]

DRA also argues that the SSG-WI database assumes unrealistic future planning margins, claiming that the developers of the SSG-WI database believe that the "[a]ggregate planning margin of 29% suggests we added too much generation… [The] [m]arket would not support/finance excessive generation capacity." [151]

SDG&E responds that it has conducted a detailed review of the resources in the current WECC database (which is based on the SSG-WI data) and has found that, in aggregate, WECC planning reserve margin in year 2015 is closer to 23% than the 29% claimed.[152] SDG&E says that even this calculation of the planning reserve margin is inflated due to the potential transmission constraints, rainfall variation, and weather conditions that may affect solar and wind

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[149] DRA Exhibit D-56, 5.

[150] SDG&E Exhibit SD-15, 66.

[151] DRA Exhibit D-56, 6; see also CAISO Exhibit I-7, 35.

[152] SDG&E Exhibit SD-15, 59.

resource output. On balance, SDG&E believes that more reasonable calculations produce a 20% planning reserve margin for 2015.[153]

South Bay, like UCAN and DRA, is highly critical of SDG&E's and CAISO's assumed resource additions in WECC. South Bay assumes that only 400 MW of the 5,945 MW of new thermal generation expected to be built in Arizona and New Mexico by 2015 will be coal.[154] South Bay observes that assuming generation in excess of what reasonably would be in place serves to depress the prices of imported power, which increases the benefits of Sunrise. South Bay argues that the 2005 SSG-WI database forecasts about 17,000 MW more new generation than should reasonably be assumed to come online between 2006 and 2015.[155] In support, South Bay points to the anomalous results that occur when the SSG-WI database is run, including new plants that do not operate and market heat rates below 6,000 British thermal units (Btu) per kilowatt hour (kWh). South Bay also points to renunciations by the database's authors.[156] Both DRA and UCAN agree with South Bay's assessment that the anomalous results generated by modeling with the SSG-WI database demonstrate that its future generation assumptions are flawed.[157]

South Bay also argues that SDG&E and CAISO assumptions concerning new coal fired generation in the Southwest are flawed in four respects. First,

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[153] SDG&E Exhibit SD-15, 60.

[154] SDG&E Exhibit SD-31, 7.

[155] South Bay Phase 1 Opening Brief, 20.

[156] South Bay Phase 1 Opening Brief, 21-22. South Bay's witness routinely tracks and forecasts planned resource additions throughout the West. His testimony in this case was based on these routine assessments rather than a special study for this proceeding. RT 1262-1263.

[157] DRA Exhibit D-56, 6-8; see also, UCAN Exhibit U-1, 6; UCAN Exhibit U-4, 120.

South Bay states that concerns about global warming make it less likely that new conventional coal generation will be constructed. Second, South Bay asserts that new coal fired generation in the Southwest is unlikely to serve California load. Third, according to South Bay, the large planning reserve margin in the SSG-WI assumptions likely would not support coal investment. Fourth, South Bay suggests that the high coal generation assumptions depend on the completion of upgrades to transmission lines between northern Arizona and northwestern New Mexico that would facilitate the flow of power from the Four Corners region to California.[158]

South Bay believes its assumption that only 400 MW of new coal generation will be constructed in the Southwest over the next eight years is more reasonable. South Bay points out that WECC's 2006 load and resources summary also projects only 400 MW of new coal added to WECC system by 2015.[159]

South Bay also disputes the SDG&E assumption that numerous new combined cycle power plants will be built near the Palo Verde Substation, resulting in excess power that will be sold to California.[160] South Bay first argues that this assumption conflicts with economic reality and recent trends. Specifically, South Bay notes that load is growing rapidly in parts of the Southwest and that the load serving entities there are already securing available capacity. Second, South Bay states that new power plants are only being built in response to requests for offers from the load serving entities in the Southwest,

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[158] South Bay Phase 1 Opening Brief, 25-26.

[159] South Bay Phase 1 Opening Brief, 27.

[160] Early in the proceeding CAISO agreed that SDG&E had added too many combined cycles at Palo Verde. We agree with CAISO's final Analytical Baseline assumptions regarding the amount of gas fired power to assume in the Palo Verde area by 2015.

not as merchant power plants. Third, according to South Bay, the Arizona Corporation Commission's recent rejection of the Devers-Palo Verde 2 project reveals a disinclination, at least among regulators, to approve facilities in the Southwest for the benefit of customers in California. Finally, South Bay claims that investors currently are not showing an interest in developing merchant power plants in the Southwest in the hope of serving the California market.[161]

Nevada Hydro concurs with South Bay and assumes 400 MW of new coal generation in its modeling.[162]

SDG&E responds to the intervenors' claims on several points. First, SDG&E explains that CAISO assumed significant combined cycle additions in the Palo Verde area in its assessment of the Devers-Palo Verde 2 project. Second, SDG&E points to WECC's July 2006 10-year loads and resources plan projecting 5,070 MW of new generation in the Southwest, of which 4,171 MW is combined cycles and 19 MW is combustion turbines. Third, SDG&E identifies several proposed generation projects in Nevada projected to be online by 2010, including 5,756 MW of new coal fired generation.[163]

CAISO does not address the accuracy of these assumptions. Instead, CAISO claims that assuming too much generation in WECC does not affect the magnitude of Sunrise's energy benefits, as excess generation impacts both the "with" and "without" Sunrise cases equally.[164] In summary, CAISO argues that if the types of power assumed are the same both in and out-of-state, excess power out-of-state will not impact the price of power in state. It states that "[t]he

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[161] South Bay Phase 1 Opening Brief, 23-24.

[162] SDG&E Exhibit SD-31, 7.

[163] SDG&E Exhibit SD-15, 4-5.

[164] CAISO Exhibit I-6, 12-13.

same SSG-WI resources are used in both the base case and its alternatives. The presence of alleged excess generation would not necessarily bias [CAISO's] analysis towards Sunrise."[165] CAISO argues that "[a]s long as the marginal generation units within and outside California are similar natural-gas-fired units and the locational natural gas price difference is small, the excess generation levels in the SSG-WI database should not have a material effect on CAISO's energy benefit estimate."[166] CAISO asserts that all these criteria have been met, and thus the impact on its incremental analysis of excess capacity in the Southwest is small.

DRA, TURN, and South Bay all dispute CAISO's claim that assuming excess power in WECC will not impact the energy benefit projections for Sunrise. South Bay responds that cheaper out-of-region generation will create phantom congestion coming into the state and Sunrise will be assumed to relieve that congestion, thus generating energy benefits.[167]

UCAN points out that SDG&E's own modeling demonstrates that reducing resources in the southwest results in significant reductions in estimated energy benefits. For example, UCAN claims that reducing capacity in the southwest by 2000 MW results in a 56% reduction in SDG&E's estimated energy benefits related to Sunrise.[168]

6.8.2. Discussion

We agree that SDG&E and CAISO have overstated the amount of fossil fired generation that will be built in WECC in their Analytical Baselines. We also

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[165] CAISO Exhibit I-6, 12-13.

[166] CAISO Exhibit I-6, 13.

[167] South Bay Phase 1 Opening Brief, 23.

[168] UCAN Phase 1 Opening Brief, 198.

agree that this overstatement results in a lowering of out-of-state power prices, which competes with in state generation, making Sunrise appear more cost-effective than is reasonable to assume. CAISO's modeling confirms this.[169]

We are not convinced by CAISO that this overstatement has only trivial impacts on the cost-effectiveness results. CAISO's argument assumes that new out-of-state generation will be similar to California's generation resources. However, CAISO projects an excess of coal fired generation from out-of-state, and assumes that the in state generation is gas fired. Thus, the modeling should reflect that lower cost, out-of-state, coal fired power will compete with more expensive, in state, gas fired generation, and attribute economic benefits to Sunrise because of its out-of-state import capability. As pointed out by UCAN, SDG&E's modeling confirms that a reduction in out-of-state capacity reduces energy benefits by over 50%, which is far from trivial.

We agree that the SDG&E and CAISO assumption of approximately 12,000 MW of new coal generation construction in WECC makes no sense in today's world. First, we believe the long term carbon-procurement restrictions in SB 1368, among other factors, will discourage the construction of new coal plants in proximity to California. It is not reasonable to assume generation developers will build large, base load coal plants merely to sell into the spot market. Second, the looming potential for carbon regulation and an interest in federal climate legislation make forecasts of extensive new conventional coal generation very unlikely. Third, we are no more interested in promoting new conventional coal plants through transmission than we are through procurement. Justifying new transmission by its potential to promote new coal plant development is antithetical to state policy.

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[169] Compliance Exhibit, 7.

Given the wide range in coal plant projections, the anomalous impacts high projections have on modeling, and our assessment based on current polices that conventional coal plant development will not approach the extreme levels projected by CAISO and SDG&E, we include only 25% of the coal fired generation identified in the SSG-WI database in the Analytical Baseline.

6.8.3. Mexican Imports

Parties generally agree that the existing combined cycle plants located in Baja, Mexico that sell power into the United States, described in Section 5.2 above, will continue to operate in the future. Therefore, we agree with the CAISO Analytical Baseline that includes all of these resources.

6.9. Assumptions Regarding In-Area Renewables

6.9.1. Parties' Positions

Parties disagree about the renewable development potential in SDG&E's service area. SDG&E's Analytical Baseline assumes that 40 MW from the Lake Hodges pumped storage project will come online in 2008 and that 20 MW from the Bullmoose biomass project will come online in 2009. SDG&E assumes that all other in-area renewable generation will remain at current levels.[170] CAISO includes those resources, as well as a 4.5 MW contract with the San Diego County Water Authority, in its Analytical Baseline.[171]

SDG&E acknowledges the tremendous renewable potential in its service area, but argues that most of it is not economically viable. SDG&E states that up to 10% of its retail load could be met by biomass projects in the San Diego area,

[170] SDG&E Exhibit SD-26, Appendix I, page I-2.

[171] CAISO Phase 1 Opening Brief, Table V-1, 21.

but to date only 150 MW has been proposed and only 2.2 MW is viable.[172] SDG&E fails to explain how it defined viability in the context of this biomass analysis.

In Phase 1 of this proceeding, SDG&E pointed to a lack of developer interest in responding to its RPS solicitations to support its claims that in-area renewables are not viable.[173] SDG&E claimed that, while it has received over 190 offers totaling 8,300 MW of capacity from all regions, only 51 of these offers (for 988 MW) were from developers proposing to interconnect anywhere in SDG&E's service area other than to the Southwest Powerlink.[174] Of these bids, SDG&E signed 11 contracts totaling 107 MW.

SDG&E estimates that wind generation in the eastern parts of its service area could reach 500 to 600 MW and offers the greatest potential for new, in basin renewables. However, SDG&E claims that $300 million in new transmission infrastructure is required to deliver this power to SDG&E customers. As a result, SDG&E has deemed in-area wind projects previously bid into SDG&E solicitations to be uneconomic.[175]

6.9.2. Discussion

We do not accept SDG&E's arguments that future in-area renewables are not economically viable. A supply curve developed by CAISO in this proceeding, and reproduced in Section 10.3, shows that approximately 750 MW of incremental in-area wind generation could be developed with a delivered cost of $77 per megawatt hour (MWh) (levelized 2007$), making it CAISO's lowest

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[172] SDG&E Phase 1 Opening Brief, 93.

[173] SDG&E Phase 1 Opening Brief, 92-94.

[174] SDG&E Phase 1 Opening Brief, 92.

[175] SDG&E Phase 1 Opening Brief, 93.

cost incremental source of new renewable generation. CAISO's supply curve shows that these wind resources would be significantly less costly than renewable resources delivered from the Imperial Valley.

However, instead of adjusting the Analytical Baseline to reflect a more accurate amount of future renewable development in SDG&E's service area, we consider future in-area renewable generation in both the All-Source Generation and In-Area Renewable Alternatives to Sunrise. We describe those alternatives in Sections 17.4 and 17.5, below.

We adopt the same in-area renewables for our Analytical Baseline that CAISO assumes: the Lake Hodges Pumped Storage Project (40 MW online in 2008), the Bullmoose Biomass Project (20 MW online 2009) and the 4.5 MW contract with the San Diego County Water Authority.

6.10. Assumptions Regarding Imperial Valley Renewables

6.10.1. Parties' Positions

While all of the parties seem to agree that construction of Sunrise (or any other transmission line from the Imperial Valley to the CAISO grid) will result in the development of some incremental amount of Imperial Valley renewables, they disagree about the amount of development such a line will generate, and the time frame for that development. Additionally, notwithstanding these positions on development, only CAISO and DRA assumed increased development as a result of Sunrise. All of the other parties assumed the same level of renewable development with or without Sunrise in their Analytical Baselines.

Table 2 sets forth the Imperial Valley renewable development assumptions made by the parties for 2010 and 2015:

Table 2: Parties' Positions Regarding Incremental Imperial Valley Renewable Resource Additions (MW)

	With Sunrise			Without Sunrise		
Party	**Existing**	**Additions through 2010**	**Additions 2011 - 2015**	**Existing**	**Additions through 2010**	**Additions 2011 - 2015**
SDG&E[176]	783	785 (geo.) 300 (solar) 21 (wind) 1106 (total)	1000 (geo.) 600 (solar) 1600 (total)	783	785 (geo.) 300 (solar) 21 (wind) 1106 (total)	1000 (geo.) 600 (solar) 1600 (total)
CAISO[177]		785 (geo.) 300 (solar) 21 (wind) 1106 (total)	1600 (geo.) 900 (solar) 2500 new (total)		785 (geo.)	
UCAN[178]		At most 178	At most: 1075 (geo.) 810 (solar) 1885 (total)		At most 178	At most: 1075 (geo.) 810 (solar) 1885 (total)
Nevada Hydro[179]			600 new			600 new
DRA[180]						>600 new
South Bay Replacement Project[181]			0-725 new			0-725 new

[176] SDG&E Exhibit SD-26, Joint Exhibit A, 8; SDG&E Exhibit SD-6, Appendix IV, page IV-8, Table IV-14.

[177] CAISO Exhibit I-1,at 28, 30 and Exh. A, 8; CAISO Exhibit I-2, 16.

[178] UCAN Exhibit U-4, 100, 102-103.

[179] Nevada Hydro Exhibit N-11, 6.

[180] South Bay Exhibit S-5, 3.

[181] SDG&E Phase 1 Opening Brief, 98.

SDG&E assumes a significant amount of renewable development in Imperial Valley, in both its "with" and "without" Sunrise cases. To support its projections of over 1,100 MW of new renewable development in Imperial Valley by 2010 and a total of over 2,700 MW by 2015, SDG&E points to over 5,000 MW of new generator interconnection requests[182] that Sunrise would "facilitate," including 3,000 MW of wind that would connect at the Imperial Valley Substation.[183] However, SDG&E fails to quantify the amount of Imperial Valley development it projects as a result of Sunrise (as opposed to development that would happen without Sunrise). SDG&E justifies this omission by explaining that it would be too difficult to separate the renewable benefits of Sunrise from its total projected benefits.[184] Thus, SDG&E assumes the same level of aggressive renewable development in the Imperial Valley both with and without Sunrise. SDG&E's Analytical Baseline assumes no incremental renewable resource additions in the Imperial Valley after 2015.[185]

CAISO assumes that approximately 600 MW of geothermal resources would be developed in the Imperial Valley and delivered over the existing Path 42 between the Imperial Irrigation District and Edison.[186] In addition, CAISO assumes that if Sunrise is developed 900 MW of solar thermal and 1,000 MW of geothermal resources will come by 2015, which would result in an

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[182] SDG&E Phase 1 Opening Brief, 98.

[183] SDG&E Exhibit SD-15, 50.

[184] SDG&E Phase 1 Opening Brief, 160.

[185] SDG&E SD-26, Exhibit A, 8.

[186] CAISO Exhibit I-2, Table 4.3, 49.

additional 9,900 GWh of renewable generation from the Imperial Valley.[187] CAISO assumes that absent Sunrise, this incremental 1,900 MW of renewable generation does not come online in the Imperial Valley.[188]

Observing the slow pace of development in the Imperial Valley, UCAN assumes only 178 MW of new Imperial Valley renewables will come online by 2010 with or without Sunrise.[189] It assumes for analytical purposes a total of 1,885 MW of renewable resources online in the Imperial Valley in 2015, with or without Sunrise.[190]

DRA does not propose assumptions for the renewable portion of the Analytical Baseline. However, it does state that SDG&E does not need Sunrise to meet its RPS obligations, but that Sunrise will facilitate (and likely reduce) the costs of RPS compliance by reducing barriers to delivery of Imperial Valley renewable resources to the CAISO grid, and possibly accelerating incremental investment in Imperial Valley renewable resources.[191]

6.10.2. Discussion

It is reasonable to assume that, without a secure transmission path, no significant amount of new renewable generation will be constructed in the Imperial Valley. Developers will not risk their capital investment without

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[187] CAISO Exhibit I-2, Table 4.7, 65. CAISO assumes no wind development in the Imperial Valley. CAISO Exhibit I-2, Table 4.3, 49.

[188] See Compliance Exhibit Work Papers. CAISO assumes that SDG&E receives Resource Adequacy credit for the new renewables in the Imperial Valley only if Sunrise comes online. Thus, these resources would create a reliability benefit.

[189] UCAN Exhibit U-4, 100-103.

[190] UCAN also appears to contemplate the possibility of only 700 MW of renewable development in the Imperial Valley. See, e.g., UCAN Phase 1 Opening Brief, 60-63.

[191] DRA Phase 1 Opening Brief, 26.

certainty that their projects' generation will be deliverable to loads. However, the converse is also true: adequate transmission does not guarantee that new renewable generation will be developed and delivered to the CAISO grid. In the Imperial Valley there are at least three potential markets for new renewable generation: the CAISO grid via the existing the Southwest Powerlink, Sunrise, or Green Path South; the Imperial Irrigation District or Los Angeles Department of Water and Power via Green Path; and utilities to the east of California via the Southwest Powerlink or other lines currently in operation or in permitting. Depending on the demand for renewable generation, ownership of the generation projects in the Imperial Valley, the ease of contracting, and other factors, new transmission to the CAISO grid from the Imperial Valley does not guarantee that new generation will be built to serve CAISO load.

On balance, we agree with CAISO and SDG&E that the construction of Sunrise would encourage the development of renewable resources in the Imperial Valley. Even with the problems associated with the CAISO interconnection queue,[192] there has been a significant increase in development activity in the Imperial Valley since SDG&E announced the Proposed Project.

CAISO assumes 200 MW of incremental geothermal capacity and 180 MW of solar thermal capacity per year from 2011 through 2015.[193] While the precise level of annual resource additions is uncertain, this is a reasonable assumption to make about the level of incremental renewables from the Imperial Valley by 2015. We adopt the level of Imperial Valley renewable resource development CAISO assumes in its modeling runs for our Analytical Baseline.

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[192] CAISO Exhibit I-10, 7-10.

[193] Compliance Exhibit Work Papers, "Template_case11_use_sunrise_v3.xls," tab "RPS Capacity."

6.11. Assumptions Regarding the Availability of Out-of-State Renewables to California

6.11.1. Parties' Positions

In its modeling of RPS compliance savings, CAISO adjusted its assumptions regarding the availability of out-of-state renewable resources to California several times, ultimately concluding that between 25% and 50% of the renewable resources it identified in WECC (outside of California) would be developed and delivered to California.[194]

Nevada Hydro takes issue with CAISO's assumption, pointing out that CAISO did not make any assumptions regarding the failure of renewable resources planned for development in California.[195]

UCAN also challenges CAISO's assertion that such a small portion of renewable resources from California's neighbors will be available, arguing that many new out-of-state renewable projects will not require new transmission designed exclusively for export to California. UCAN believes that many new out-of-state renewables only will require connections to the existing grid for deliveries to California.[196]

6.11.2. Discussion

We agree with CAISO that some portion of out-of-state resources will not be available to California. However, we find CAISO's suggestion that 75% of these projects will not be available too extreme. We agree with UCAN that many out-of-state renewables will be deliverable to California without new transmission facilities, as demonstrated by SDG&E's Advice Letter filing

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[194] CAISO Exhibit I-6, 44-45.

[195] Nevada Hydro Phase 1 Opening Brief, 34-35.

[196] UCAN Phase 1 Opening Brief, 181-182.

requesting approval of two Montana wind contracts for a total capacity of 210 MW.[197] We adopt CAISO's initial assumption that 50% of CAISO-identified out-of-state renewables will be available to California.

6.12. Assumptions Regarding Development of Renewables in Mexico

6.12.1. Parties' Positions

Parties generally agree on the level of future renewable generation in Mexico that should be included in the Analytical Baseline. While SDG&E contends that several thousand megawatts of new wind generation are being developed to use Sunrise, it does not assume any new generation from Mexico in its modeling.[198]

Similarly, CAISO's modeling does not assume any new renewable generation in Mexico, though it does acknowledge that a transmission line from Mexico to the United States has been proposed, and that Sunrise or some other transmission upgrade will be required to deliver this wind power to California.[199]

UCAN is skeptical of SDG&E claims about the level of wind generation potential in Mexico.[200] It cites the inconsistencies in SDG&E's showing and also points out that having projects in the CAISO interconnection queue does not guarantee that they will be built.[201]

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[197] SDG&E Advice Letter 1997-E, June 4, 2008.

[198] SDG&E Exhibit SD-6, Appendix IV, Table IV-11, page IV-5.

[199] RT 5412.

[200] UCAN Phase 1 Opening Brief, 69-70.

[201] UCAN Phase 1 Opening Brief, 74.

6.12.2. Discussion

We agree with the assumptions used by both CAISO and SDG&E and assume no future renewables from Mexico in the Analytical Baseline. Among other things, the proposed 500 kV line for delivery of power from Mexico is not approved, and the CAISO interconnection queue is not a reasonable indicator of the amount of generation that will be developed in a particular area.

6.13. Assumptions Regarding Renewable Costs

6.13.1. Parties' Positions

CAISO initially relied upon two sets of cost estimates in its RPS compliance savings modeling. For in-state resources, CAISO used cost estimates contained in a study prepared in 2005 by the Center for Resource Solutions for the Commission.[202] For out-of-state resources, CAISO relied principally on the Northwest Transmission Assessment Committee report on Canada-Northwest-California transmission costs from May of 2006 (together, CAISO's CRS Renewable Costs).[203] CAISO later proposed using alternative renewable cost assumptions, assuming lower generation costs for solar thermal ($100/MWh in place of $120/MWh) and higher costs for wind projects ($85/MWh in place of $66/MWh) (CAISO's Alternative Renewable Costs).[204] CAISO justified its increase in wind cost estimates on an Energy Commission staff report,[205] and

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[202] CAISO Phase 1 Opening Brief, 31, citing to "Achieving a 33% Renewable Energy Target," The Center for Resource Solutions, November 1, 2005."

[203] See CAISO Exhibit I-2, 48, which cites to "Canada-Northwest-California Transmission Options Study," Northwest Power Pool, Northwest Transmission Assessment Committee, Canada-NW-California Study Group, May 16, 2006. Neither this study, nor the Center for Resource Solutions study, are part of the record in this proceeding.

[204] CAISO Exhibit I-5, 43-45.

[205] CAISO Exhibit I-6, 44.

based its proposed solar thermal cost estimates on anecdotal information from developers.[206]

UCAN and DRA take issue with CAISO's Alternative Renewable Costs. UCAN suggests that CAISO selectively chose costs from an Energy Commission staff report for wind but ignored the Energy Commission's solar thermal cost estimates. UCAN claims that if CAISO had used both the solar thermal and wind costs from the Energy Commission staff report, it would have found that its alternative renewable cost scenario would have generated Sunrise RPS compliance costs of $828 million per year, rather than generating RPS compliance savings of $160 million per year.[207]

DRA suggests that CAISO has engaged in "cherry-picking" and that it fails to consider other, equally plausible, renewable cost scenarios.[208]

In Phase 2, DRA used CAISO's model to develop its own estimates of RPS compliance savings. DRA made a number of changes to the model's inputs, including changes to various renewable costs. Having made those changes, DRA examines a number of different renewable development scenarios. DRA's estimates of gross annual benefits over the life of Sunrise vary from as little as $1 million to over $100 million per year, depending on the scenario examined and the assumed online date for Sunrise.[209]

CAISO takes issue with DRA's use of CAISO's model, and its revisions to CAISO's cost estimates. CAISO claims that DRA's assumptions regarding higher geothermal generation costs and lower wind generation costs are implausible

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[206] RT 5557-5561.

[207] UCAN Phase 1 Opening Brief, 304.

[208] DRA Phase 1 Opening Brief, 68-69.

[209] DRA Phase 2 Opening Brief, 30-32.

and that even DRA's own witness agreed that DRA's assumptions were unlikely.[210]

6.13.2. Discussion

In its initial analysis, CAISO relied on renewable energy cost assumptions from two primary sources, ensuring that CASIO's analysis was based on consistent assumptions across technologies. It claimed this consistency across its cost assumptions as a strength of its analysis. However, it later recommended other cost assumptions, revising only its solar thermal and wind cost projections. Thus, the internal consistency of relying on cost estimates from only two sources was lost. Unlike its review of combustion turbine costs, CAISO admitted that its re-assessment in support of these new renewable costs was not extensive.[211]

We find CAISO's initial approach of using cost estimates primarily from two consistent sources superior to using costs based on information from a wide variety of potentially inconsistent sources, which can lead to conflicting assumptions. Consequently, we adopt CAISO's CRS Renewable Costs for our Analytical Baseline.

6.14. Assumptions Regarding Transmission Resources

Transmission upgrades, modifications, or additions to SDG&E's and neighboring systems can significantly affect the need for Sunrise. Consequently, parties debated the transfer capability of existing resources that should be assumed in the Analytical Baseline, and the impact and viability of potential upgrades, modifications, and large transmission additions to both the SDG&E and Imperial Irrigation District grids.

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[210] CAISO Phase 2 Reply Brief, 39-40.

[211] RT 5557-5561.

6.14.1. The Dispatch Limit at Imperial Valley Substation

6.14.1.1. Parties' Positions

UCAN contends that SDG&E understates the import capability of the Southwest Powerlink and, as a result, overstates the need for resources within its service area. In short, UCAN asserts that increasing the assumed transfer capability of the Southwest Powerlink would allow more energy to flow into SDG&E's service area, reducing the need for either in-area generation, Sunrise, or both.[212] Consequently, UCAN has made several proposals to increase the transfer capability of various parts of the SDG&E system, as summarized below, and the parties spent significant time and effort debating the merits of those proposals in Phase 1.

In its Phase 2 opening testimony, CAISO announced limitations on the amount of generation that could be dispatched from the Imperial Valley Substation. CAISO states that in late 2007 (after the conclusion of the Phase 1 hearings), it established a 1,150 MW dispatch limit for all generation connected to the Imperial Valley Substation or the Imperial Valley-Miguel portion of the Southwest Powerlink.[213] CAISO states that it imposed this dispatch limit after an interconnection study revealed a "dramatic increase" in risk to the Mexican electrical system when generation above 1,150 MW is added to the Imperial Valley Substation.[214] CAISO stated that "[The Mexican Electricity Commission] is currently unwilling to accept this increased risk to its system and, as a result, a joint decision was made by CAISO, SDG&E, and [The Mexican Electricity

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[212] UCAN Exhibit U-4, 48-50.

[213] CAISO Exhibit I-8, 22.

[214] CAISO Phase 2 Opening Brief, 6.

Commission] to establish the dispatch limit."[215] CAISO claims that reliability criteria prescribe the 1,150 MW dispatch limit because an outage of any single transmission element cannot exceed the maximum amount of generation that can be tripped simultaneously. In SDG&E's case, this simultaneous outage would be equivalent to one unit of SONGS (e.g., 1,150 MW).[216]

Pursuant to this dispatch limit, CAISO will not allow more than 1,150 MW of generation connected directly to the Imperial Valley substation to be dispatched at the same time. Although more generation can be connected at the Imperial Valley substation, not all can operate simultaneously. Therefore, CAISO contends that the Analytical Baseline cannot assume the dispatch of more than 1,150 MW of generation directly interconnected to the Imperial Valley Substation.

UCAN challenges the dispatch limit, arguing that it is "perfectly feasible to have more than 1150 MW both connected to [Imperial Valley] substation and/or [Southwest Powerlink], and have more than 1150 MW generating, and have a loss of either a Miguel transformer or the [Southwest Powerlink] line itself, and still not need to trip more than 1150 MW of generation" and "[i]f SDG&E means to imply that there is an 1150 MW limit on Southwest Powerlink flows then this is a false statement.[fn] If SDG&E means to imply there's an 1150 MW limit on deliveries to the Miguel substation or to the Imperial Valley substation, that's also false."[217]

CAISO states that UCAN is wrong because the "Miguel transformer tripping scheme protects the Miguel transformers but does not protect the

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[215] CAISO Phase 2 Opening Brief, 6.

[216] RT 5319.

[217] UCAN Phase 2 Opening Brief, 52, 72.

parallel [Mexican] system" and that UCAN "overlooks the adverse impacts on the [Mexican] system that would be caused by the interconnection of more than 1150 MW of generation at the [Imperial Valley] substation."[218]

6.14.1.2. Discussion

We are troubled by the timing of the CAISO's disclosure of the dispatch limit. There is evidence that it was in place before Phase 2 and was overlooked by CAISO earlier in the proceeding -- SDG&E testified in Phase 1 that such a dispatch limit was in place.[219] Aside from the unfortunate timing of the disclosure, CAISO has presented credible evidence on this issue. Consequently, we adopt the 1,150 MW dispatch limit CAISO has assumed for purposes of the Analytical Baseline.

6.14.2. Upgrades at Miguel Substation

6.14.2.1. Parties' Positions

UCAN proposes two sets of modifications to SDG&E's Miguel Substation: (1) increase the all-hours import limit into the Miguel Substation from 1,450-1,700 MW to 1,900 MW (Miguel Import Limit Upgrade) and (2) increase the all-hours export limit from the Miguel Substation from 1,900 MW to 2,100 MW (Miguel Output Limit Upgrade).[220] UCAN contends both upgrades would allow greater flows of energy over the Southwest Powerlink.

UCAN explains that to implement the Miguel Import Limit Upgrade CAISO only would need to approve a Remedial Action Scheme[221] permitting the

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[218] CAISO Phase 2 Reply Brief, 28.

[219] RT 520.

[220] UCAN Exhibit U-4, 11-13.

[221] Remedial Action Schemes allow the dropping of load resulting in an outage in certain circumstances to prevent damage to the system and to avoid otherwise costly upgrades.

tripping of a second transformer at Miguel Substation when two conditions exist: (1) the first transformer at Miguel Substation trips and (2) flows over the Southwest Powerlink exceed 1,450 MW. UCAN claims that instituting this Remedial Action Scheme would increase CAISO's ability to import renewable and low cost energy over the Southwest Powerlink by 200 to 450 MW when all equipment at Miguel Substation is operating (which is most hours of the year). This change would allow the Miguel Substation to accommodate additional imports and move them to other parts of SDG&E's system. UCAN contends that implementation of the Remedial Action Scheme is costless. UCAN filed a motion in Phase 1 asking the Commission to order SDG&E to implement the Miguel Import Limit Upgrade.[222]

Neither SDG&E nor CAISO claims that the Miguel Import Limit Upgrade proposal is infeasible. They concede it has promise and that they planned to study it to ensure that other systems are not affected.[223]

UCAN predicts that implementing the Miguel Output Limit Upgrade would require a number of upgrades and potential implementation of another Remedial Action Scheme and estimates that the incremental cost of this upgrade would be between $4 million and $35 million.[224] SDG&E has not rebutted this evidence.[225]

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[222] *Motion by Utility Consumers' Action Network to Compel SDG&E to Upgrade its Import Capability at Miguel Substation*, June 5, 2007.

[223] See, e.g., SDG&E Phase 1 Reply Brief, 59; CAISO Phase 1 Reply Brief, 28.

[224] UCAN Phase 1 Opening Brief, 113-114.

[225] UCAN Phase 1 Opening Brief, 113-114.

6.14.2.2. Discussion

We find UCAN's Miguel Import Limit Upgrade proposal to be reasonable. Effectively endorsed by SDG&E, CAISO is currently reviewing it. The proposal requires no physical upgrades, only implementation of a Remedial Action Scheme, and thus could be implemented quickly. We adopt it for the Analytical Baseline, and we direct SDG&E to report within 30 days of the effective date of this decision on the status of its implementation and to serve the report on the assigned Commissioner, other four Commissioners, the Director of the Commission's Energy Division, and the service list for A.06-08-010.

UCAN admits that the Miguel Export Limit Upgrade has very small benefits, since unconstrained flows out of Miguel Substation rarely are expected to exceed 1,900 MW.[226] This upgrade also adds complexity to the operation of SDG&E's system. We decline to assume this upgrade in our Analytical Baseline.

6.14.3. Path 44 Upgrades

6.14.3.1. Parties' Positions

Path 44 links the Edison and SDG&E high voltage transmission systems. UCAN points out that Path 44's rating has not been updated since 2001 and proposes that SDG&E "take the actions necessary" to upgrade the N-1/G-1 rating of Path 44 from 2,500 MW to 2,850 MW.[227] If feasible, this upgrade would permit greater energy flows from Edison to SDG&E, reducing the need for new in-area resources. It also would allow increased flows to SDG&E in

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[226] UCAN Exhibit U-4, 10.

[227] UCAN Phase 1 Opening Brief, 78, 81. UCAN claims that the proposed upgrade would also result in an increase in the N-0 All Lines in Service rating from 2,850 MW to 3,200 MW, thereby increasing SDG&E's Simultaneous and Non-Simultaneous Import limits by 350 MW. UCAN Phase 1 Opening Brief, 110.

unconstrained conditions, thereby reducing SDG&E's locational marginal costs and generating ratepayer benefits. UCAN assumes that this upgrade would:

- Require adding a third 230/69 kV transformer at SDG&E's San Luis Rey Substation;[228]
- "[Q]uite possibly" require upgrading the Barre-Ellis transmission line [located in southern Orange County in Edison's service territory)];
- "[M]ay or may not require" upgrades to the SONGS-San Luis Rey corridor;
- Require modifications to the Mira Loma-Chino #3 line; and
- "[P]robably" require reactive devices such as capacitors to be added to the SDG&E system.[229]

SDG&E disagrees with UCAN about the viability of this proposal. First, SDG&E points out that increasing a path rating is a long, complex process. Second, SDG&E claims that a key element to upgrading Path 44 (i.e., upgrading the Barre-Ellis transmission line in Edison's service area) likely is infeasible because that corridor already is very crowded and the proposed upgrade might require setting new towers between existing towers. Third, SDG&E claims that the upgrades required to increase the rating on Path 44 will not be cost-effective.[230] Finally, SDG&E notes that CAISO's stakeholder process considered and rejected UCAN's Path 44 proposal as an alternative to Sunrise.[231]

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[228] UCAN also suggests that addition of a transformer at SDG&E's San Luis Rey Substation (in addition to adoption of the 1,900 MW Miguel Import Limit and apart from the Path 44 Upgrade proposal) would allow the all-lines-in-service rating of the Southwest Powerlink to increase by about 350 MW (from 2,850 MW to approximately 3,200 MW), which also would allow increased imports over the Southwest Powerlink. UCAN Phase 1 Opening Brief, 109-111.

[229] UCAN Phase 1 Opening Brief, 81-82.

[230] SDG&E Phase 1 Opening Brief, 107-113.

[231] SDG&E Phase 2 Opening Brief, 220.

UCAN claims that the CAISO stakeholder process cited by SDG&E not only excluded UCAN from participation, but its results have been discredited in hearings and disavowed by CAISO itself.[232]

CAISO opposes UCAN's Path 44 proposal for several reasons. CAISO states that increasing the path rating would result in transient frequency dips in Mexico which would cause NERC criteria violations, specifically, and thermal overloads, generally. CAISO also claims that UCAN's Path 44 proposal might be uneconomic because a decrease in SDG&E's Local Capacity Requirements would be offset by an increase in Local Capacity Requirements in the Los Angeles area.[233]

UCAN disagrees with CAISO's assessment, contending that UCAN's plan of service under the Path 44 proposal includes reinforcements to correct the criteria violations and thermal overloads.[234]

6.14.3.2. Discussion

We are not convinced at this time that UCAN's Path 44 proposal presents a viable means to increase import capability into the SDG&E load area and do not adopt it for the Analytical Baseline. However, we agree that a review of Path 44's rating is warranted, particularly since the last one occurred in 2001, and UCAN presents credible evidence that an increase in Path 44's rating may be possible.

We direct SDG&E to take the necessary steps to institute a review of Path 44's rating, and to report within 90 days of the effective date of this decision on the status of the review and to serve the report on the assigned

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[232] UCAN Phase 2 Reply Brief, 29-30.

[233] CAISO Phase 1 Opening Brief, 33-36.

[234] UCAN Phase 1 Reply Brief, 48.

Commissioner, other four Commissioners, the Director of the Commission's Energy Division, and the service list for A.06-08-010. The Energy Division's Director shall require additional reports as he or she deems necessary.

6.14.4. The Talega-Escondido/Valley-Serrano Transmission Line

The Talega-Escondido/Valley-Serrano 500 kV transmission line (TE/VS) would connect the SDG&E and Edison transmission systems, thus creating a second extra-high voltage interconnection between SDG&E's system and the rest of the CAISO grid. Nevada Hydro proposes TE/VS as a component of the Lake Elsinore Advanced Pumped Storage (LEAPS) project. Nevada Hydro has applied to this Commission for a CPCN for TE/VS and contends it can be online by 2011.[235]

TE/VS would not connect to the Imperial Valley or any other transmission constrained renewable area, and so it would not directly facilitate advancement of California's RPS goals. However, TE/VS could facilitate the movement of energy, including renewables, through the CAISO grid[236] by, for example, increasing the transfer capability between the SDG&E and Edison systems,

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[235] Nevada Hydro Phase 2 Opening Brief, 46. Nevada Hydro filed A.07-10-005, which seeks a CPCN for TE/VS from this Commission. The Sunrise EIR/EIS identifies TE/VS, under the name LEAPS Transmission-Only Alternative, as a transmission-based alternative to the Proposed Project. LEAPS refers to the pumped storage generation component of the larger project which Nevada Hydro proposes to build, which has both generation and transmission aspects, but is not actually part of the LEAPS Transmission-Only Alternative. The Sunrise EIR/EIS identifies this larger project as another alternative, known as the LEAPS Transmission Plus Generation Alternative. We discuss the environmental impacts of both of these alternatives in Section 15.

[236] See, e.g., Imperial Irrigation District Phase 2 Opening Brief, 5-6. Imperial Irrigation District explains how, relying on both TE/VS and proposed Imperial Irrigation District transmission upgrades, Imperial Valley renewables could be delivered to the SDG&E service area, if necessary.

allowing SDG&E to purchase and deliver additional renewable energy from north of the SDG&E system.[237]

6.14.4.1. Parties' Positions

Parties disagree about the transfer capability of TE/VS, the costs to build TE/VS and integrate it into the SDG&E and Edison systems, and the timing of construction.

With regard to the transfer capability of TE/VS, Nevada Hydro claims that TE/VS can deliver 1,000 MW between the Edison and SDG&E service territories, while SDG&E contends that the transfer capability is only 795 MW.[238]

Nevada Hydro has not provided any evidence regarding costs to construct TE/VS, but claims that TE/VS will cost less than $400 million.[239]

SDG&E contends that the costs to integrate TE/VS into its system (to accommodate approximately 795 MW of transfer capability) would be approximately $1 billion, with a total installed cost of $1.8 billion.[240] Nevada Hydro disputes this estimate, asserting that CAISO analysis shows that TE/VS (in conjunction with Green Path) can provide virtually the same levelized net benefit for ratepayers as Sunrise,[241] and that the Southwest Transmission Expansion Plan process found that a line similar to TE/VS could provide 750 MW of transfer capability with only "minor upgrades."[242]

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[237] Nevada Hydro Phase 2 Opening Brief, 39-40.

[238] SDG&E Phase 1 Opening Brief, 134.

[239] Nevada Hydro Phase 2 Opening Brief, 66.

[240] SDG&E Phase 1 Opening Brief, 135.

[241] Nevada Hydro Phase 2 Opening Brief, 6.

[242] Nevada Hydro Phase 1 Reply Brief, 22.

Finally, parties disagree about the timing of the construction of TE/VS. Nevada Hydro contends that TE/VS can be online by 2011. SDG&E contends that TE/VS will be online in 2012.[243] Ultimately, CAISO changed its Phase 1 assumption of a 2011 date and now agrees with SDG&E.[244]

Nevada Hydro argues that LEAPS, in conjunction with TE/VS, should not be considered as an alternative to Sunrise. It argues that we consider only TE/VS (without the LEAPS component) in our Analytical Baseline, and if not that, then as an alternative to Sunrise.[245]

6.14.4.2. Discussion

We agree that TE/VS alone is more relevant to evaluation of both our economic and environmental alternatives. Because we wish to avoid prejudging the pending TE/VS CPCN application, we will not assume that TE/VS exists for purposes of the Analytical Baseline. We study it as an alternative in both the EIR/EIS and in the economic modeling for this proceeding.

6.14.5. Imperial Irrigation District Upgrades

6.14.5.1. Parties' Positions

Section 5.5 above summarizes Imperial Irrigation District's plans to upgrade its high voltage transmission system to deliver Imperial Valley renewables to the CAISO and Los Angeles Department of Water and Power control areas. The plans include, among other things, re-rating and upgrading Path 42 and constructing three transmission lines: the Coachella Valley-Devers 2 line, the Midway-Bannister line, and the Dixieland-Imperial Valley line.

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[243] SDG&E Phase 2 Reply Brief, 132-133.

[244] CAISO Phase 2 Opening Brief, 9.

[245] Nevada Hydro Phase 1 Opening Brief, 8-9.

Parties disagree about which of these upgrades to assume in the Analytical Baseline. SDG&E states that Imperial Irrigation District's transmission upgrades and new facilities are only one part of an overall solution to accessing renewable resources from the Imperial Valley and that, without Sunrise, Imperial Valley renewables will, to a great degree, remain stranded even if all of Imperial Irrigation District's upgrades are assumed to occur.[246]

UCAN notes that Imperial Irrigation District's proposals to upgrade Path 42 and construct the Coachella Valley-Devers 2 transmission line will double the existing transfer capability between it and Edison. UCAN suggests that Imperial Irrigation District's proposed 230 kV Dixieland-Imperial Valley line will also increase Imperial Valley exports to the CAISO grid. UCAN also notes the potential for other new transmission interconnections from the Imperial Irrigation District system to the east (the proposed Highline-Knob-North Gila transmission line) to connect to Arizona Public Service and the Southwest Powerlink.[247]

CAISO states that the planned Path 42 upgrades will increase the transfer capability between Edison and the Imperial Irrigation District Systems to 1,200, and that it included this assumption in its modeling.[248]

6.14.5.2. Discussion

We adopt the assumption for our Analytical Baseline that Path 42 will be upgraded this year to 1,200 MW and that the Dixieland-Imperial Valley line,

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[246] SDG&E Exhibit SD-37, pages 3.1-3.3.

[247] UCAN Phase 2 Opening Brief, 39.

[248] CAISO Exhibit I-2, 12-13.

approved by the Imperial Irrigation District Board, will be in service by the middle of 2010.[249]

6.14.6. The Green Path Transmission Line

As described in Section 5.5.2 above, Green Path is a 500 kV transmission project proposed to deliver energy from the Imperial Irrigation District system to the CAISO and Los Angeles Department of Water and Power control areas. CAISO assumes that Green Path will allow delivery to the CAISO grid of up to 2,000 MW from the Imperial Valley and points east or south.[250]

Since Green Path does not interconnect with the SDG&E system, it cannot deliver renewable resources from Imperial Valley directly to SDG&E's service area. However, renewable resources delivered to the CAISO system can be counted for RPS compliance purposes. Thus, Green Path might facilitate RPS goals by providing renewable resources access to the CAISO grid.

6.14.6.1. Parties' Positions

In Phase 1, CAISO assumed that Green Path would come online in 2010. However, in Phase 2, CAISO revised the in-service date to 2011.[251] SDG&E suggests that Green Path cannot be assumed to deliver renewables to the CAISO grid, and is therefore not an alternative to Sunrise, because the Los Angeles Department of Water and Power intends to rely on Green Path to meet its own 20% renewable requirement.[252]

UCAN argues that we should include Green Path in our Analytical Baseline because: (1) the Imperial Irrigation District testified to its commitment to

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[249] Imperial Irrigation District Phase 2 Opening Brief, 20.

[250] CAISO Phase 1 Opening Brief, 30.

[251] CAISO Phase 2 Opening Brief, 9.

[252] SDG&E Phase 1 Opening Brief, 97.

Green Path in Phase 1; (2) Green Path has already reached the third (and final) step in WECC review and approval process; and (3) CAISO now assumes Green Path will be built as part of its Local Capacity Requirement and deliverable studies.[253]

6.14.6.2. Discussion

We did not identify Green Path as an alternative to Sunrise in our environmental analysis. Because it is still so speculative, we conclude that Green Path should not be included in the Analytical Baseline. However, because of its potentially significant impact on Sunrise-related benefits, CAISO considers Green Path, in combination with LEAPS and TE/VS, in its modeling as an alternative to Sunrise. Therefore, we review the results of CAISO's modeling in Section 11 to understand the risk that construction of Green Path would diminish the benefits of Sunrise.

6.14.7. Modified Coastal Link

6.14.7.1. Parties' Positions

In Phase 1, Rancho Peñasquitos identified a series of transformer and reconductoring projects intended to eliminate the need for the Proposed Project's 230 kV Coastal Link transmission line segment, which is described in Section 3.2.1, above. Rancho Peñasquitos suggested that its Coastal Link Alternative would minimize local impacts (by eliminating the line through the community entirely) and reduce costs.[254]

SDG&E's Phase 2 changes to the transmission topology used to analyze powerflows required Rancho Peñasquitos to revamp its alternative. As revised, the Rancho Peñasquitos Coastal Link Alternative includes: (1) installation of an

[253] UCAN Exhibit U-100, 7.

[254] Rancho Peñasquitos Phase 1 Opening Brief, 7-10.

additional 230/69 kV, 224 MVA transformer at SDG&E's Sycamore Canyon Substation with associated substation upgrades; (2) reconductoring both 69 kV circuits of the Sycamore Canyon to Pomerado Substation transmission line; (3) reconductoring the 69 kV circuit of the Sycamore Canyon to Scripps transmission line;[255] and (4) the installation of a 230/138 kV, 392 MVA transformer at SDG&E's Encina Substation, unless CAISO approves a Remedial Action Scheme designed to move Encina Power Plant generation to solve overloads on the Sycamore Canyon to Chicarita 138 kV transmission line.[256]

In Phase 1, SDG&E argued that the Rancho Peñasquitos reliability analysis was inadequate to support the conclusion that this alternative could replace the Coastal Link. SDG&E noted that the Coastal Link is more expensive than the Rancho Peñasquitos alternative because of the extensive undergrounding needed to minimize the community impact of the Proposed Project.[257]

In Phase 2 SDG&E estimates that Rancho Peñasquitos' Coastal Link Alternative will cost $83.66 million assuming a 2012 date.[258] SDG&E has continued to object to the Rancho Peñasquitos alternative, has argued for the alleged technical superiority of the Coastal Link,[259] and has claimed that Rancho Peñasquitos' alternative requires the installation of a transformer at Encina.[260]

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[255] Between Phases 1 and 2 of this proceeding, SDG&E cancelled a transmission project which would have obviated the need for this reconductoring.

[256] Rancho Peñasquitos Phase 2 Opening Brief, 16-17.

[257] SDG&E Phase 1 Reply Brief, 52.

[258] Rancho Peñasquitos Phase 2 Opening Brief, 17-18.

[259] SDG&E Phase 2 Reply Brief, 156-157.

[260] SDG&E Phase 2 Reply Brief, 155-156. SDG&E does not clarify if the transformer would be at the Encina Power Plant or the Encina Substation.

CAISO studied several scenarios proposed by Rancho Peñasquitos in Phase 1 and found that its Coastal Link Alternative could adequately meet reliability needs.[261] CAISO also studied Rancho Peñasquitos' proposed alternatives in Phase 2 and did not take issue with their reliability.

6.14.7.2. Discussion

We adopt Rancho Peñasquitos' Coastal Link Alternative, defined in Rancho Peñasquitos' Phase 2 Reply Brief, as part of the Analytical Baseline. CAISO does not oppose Rancho Peñasquitos' alternative and finds it an acceptable alternative to SDG&E's proposed Coastal Link. SDG&E's arguments are not convincing, particularly since, as Rancho Peñasquitos points out, SDG&E ignores the significantly lower costs and lesser environmental impacts of the Rancho Peñasquitos Coastal Link Alternative compared to SDG&E's proposed Coastal Link.[262]

6.15. Assumptions Regarding Gas Price Forecasts

6.15.1. Parties' Positions

Gas price forecasts are a key input to the SDG&E and CAISO production cost models. SDG&E's modeled price of gas at the California border begins at approximately $7 per million Btu (MMBtu) in 2007 and escalates to over $9/MMBtu in 2020 (nominal dollars).[263] SDG&E does not add intrastate gas

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[261] CAISO Phase 1 Opening Brief, 42.

[262] The EIR/EIS analyzed Rancho Peñasquitos' Coastal Link Alternative and determined it to be environmentally superior to SDG&E's proposed Coastal Link. Consequently, the Rancho Peñasquitos Alternative replaces the SDG&E's proposed Coastal Link in both the Final Environmentally Superior Northern and Southern Routes.

[263] SDG&E Exhibit SD-27, 56.

transportation charges to derive a burnertip gas price for generators in California.

In its modeling, CAISO assumes gas at the southern California border to be held constant at $6.89/MMBtu in 2015.[264] CAISO adds intrastate gas transportation charges of $0.3935/MMBtu and $0.1651/MMBtu for gas delivered to generators in the Southern California Gas and Pacific Gas and Electric Company service areas, respectively. After UCAN pointed out that CAISO had failed to include gas taxes in Arizona,[265] CAISO added 5.6% to the border gas price for generators in Arizona.[266] Given this change, UCAN generally supports CAISO's gas price forecast, especially when compared to that used by SDG&E.[267]

DRA asserts that SDG&E's forecast is too high for a base case analysis and that it inflates the benefits of Sunrise.[268]

6.15.2. Discussion

Assumptions regarding gas prices have a major impact on the economic benefits of Sunrise. CAISO's gas price forecast addresses the difference in gas prices paid by Arizona and California generators, which impacts the value of Sunrise. SDG&E's gas price forecasts do not. In addition, CAISO's gas price forecasts are conservative, as recommended by DRA. For these reasons, we adopt CAISO's gas price forecasts for our Analytical Baseline.

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[264] CAISO Exhibit I-2, 17.

[265] UCAN Phase 1 Opening Brief, 198-199.

[266] CAISO Exhibit I-2, Appendix A, 1.

[267] UCAN Phase 1 Opening Brief, 249.

[268] DRA Phase 1 Opening Brief, 51-52.

6.16. Assumptions Regarding Combustion Turbine Costs

6.16.1. Parties' Positions

Reliability benefits include the cost of any new generation that is deferred by a generation or transmission resource proposed to fill a reliability need. These benefits are quantified in this proceeding as the value of deferred combustion turbines. In calculating reliability benefits in Phase 1, CAISO valued deferred combustion turbines at $78/kW-year (2007$, escalated at 2% per year), plus an interconnection cost adder of 35.2% of the cost of the combustion turbine.[269] In Phase 2 CAISO raises this figure substantially, to $162.10/kW-yr (2007$, escalated at 2% per year), based on a December 2007 Energy Commission staff study (December 2007 Study).[270] It retains the 35.2% cost adder for interconnection costs.

UCAN takes issue with CAISO's change in combustion turbine costs between Phase 1 and Phase 2. UCAN argues that CAISO cannot essentially double the cost of new combustion turbines in Phase 2 without increasing the cost of either Local or System Resource Adequacy, which are dependent on combustion turbines.[271] CAISO disagrees in part and states that System Resource Adequacy is based on generation costs, not the costs of new combustion turbines.[272]

UCAN also claims that the interconnection costs assumed for new combustion turbines are inconsistent with CAISO's assumptions regarding the costs for Sunrise. UCAN claims that since CAISO assumes new combustion

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[269] CAISO Phase 1 Opening Brief, 62.

[270] CAISO Exhibit I-12, 6-7.

[271] UCAN Comments on Compliance Exhibit, 22-23.

[272] CAISO Reply Comments on Compliance Exhibit, 10-11.

turbine interconnection costs are a fixed percentage of the cost of combustion turbines, these costs effectively double in Phase 2 when CAISO raises the costs of new combustion turbines. According to UCAN, however, CAISO's estimate of the cost of Sunrise does not escalate at nearly the same rate from Phase 1 to Phase 2.[273] CAISO counters that the cost differences are not unreasonable and attributes them to the greater detail underlying the cost estimates for Sunrise. CAISO also argues that even if the new combustion turbine interconnection costs escalate at the same rate as Sunrise costs, Sunrise still will be economically superior to all of the alternatives, assuming 33% RPS and the higher combustion turbine costs CAISO uses.[274]

DRA[275] and SDG&E[276] support CAISO's higher combustion turbine costs.

6.16.2. Discussion

The wide variation between CAISO's Phase 1 and Phase 2 combustion turbine cost estimates is troubling. CAISO and SDG&E claim that we should use combustion turbine cost estimates included in an Energy Commission staff study from December 2007 (December 2007 Study). However, from January 2007 through the close of hearings in Phase 1, SDG&E and CAISO used cost estimates for combustion turbines that were less than half those in the December 2007 Study - $78/kW-year verses $162.10/kW-year (both 2007$, escalated at 2% per year).

Moreover, some of the cost estimates from the December 2007 Study are not reasonable. In Phase 2, CAISO uses the December 2007 Study for estimates

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[273] UCAN Comments on Compliance Exhibit, 21-22.

[274] CAISO Reply Comments on Compliance Exhibit, 10.

[275] DRA Reply Comments on Compliance Exhibit, 2, note 2.

[276] SDG&E Comments on Compliance Exhibit, 3-5.

of the cost of combustion turbines but disavows other cost estimates in the study, such as estimates of the cost of new combined cycle and solar thermal generation.[277] We do not adopt CAISO's Phase 2 combustion turbine costs for use in determining reliability benefits. Instead, to acknowledge the likely increase in combustion turbine costs since Phase 1, we adopt for our Analytical Baseline assumptions the average of the Phase 1 and Phase 2 combustion turbine cost estimates CAISO has used - $120/kW-year (2007$, escalated at 2% per year). Similarly, we adopt CAISO's transmission cost adder of 35.2% for new combustion turbines.[278]

6.17. Assumptions Regarding Project Costs

6.17.1. Parties' Positions

In order to calculate net benefits, we must estimate project costs for each alternative and then subtract those costs from the sum of gross benefits. Project costs include capital costs and operating and maintenance costs, annualized over a specific recovery period. We discuss each of these cost components below.

6.17.1.1. Capital Costs

In Phase 1, SDG&E estimated the capital cost to construct the Proposed Project at $1.265 billion.[279] This estimate includes: the costs of all work on the project, including necessary substation upgrades, transmission line upgrades, and upgrades elsewhere on the SDG&E system; engineering, environmental, construction management, and other support services; and accounting overheads including Allowance for Funds Used During Construction, escalation, and an 18.35% contingency to address unanticipated changes. SDG&E states this cost

[277] See RT 2393-2395; see also RT 5542-5545.

[278] CAISO Exhibit I-2, 25.

[279] SDG&E Phase 1 Opening Brief, 74.

estimate is based on preliminary design work and claims it has not prepared a detailed cost estimate.

In Phase 2 SDG&E revised its capital cost estimates to reflect a later online date of 2011 and to include environmental mitigation costs. SDG&E estimates capital costs of its Proposed Project to be $1.717 billion, including the costs of mitigation.[280] SDG&E claims that no other party has credibly challenged the methodology used to develop these cost estimates.[281]

CAISO also presented capital costs estimates for the Proposed Project and some of its alternatives, based on information from SDG&E and others.

SDG&E and CAISO translate the capital costs for the Proposed Project and various alternatives into levelized annual revenue requirements, as set forth below:

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[280] SDG&E Exhibit SD-142, Table 11-5.

[281] SDG&E Phase 2 Opening Brief, 45.

Table 3: SDG&E and CAISO Capital Cost Estimates (Annual Levelized $ Million)[282]

Alternative	SDG&E [283]	CAISO [284]
Proposed Project	160	183
TE/VS + LEAPS	-	111
Green Path	-	29
South Bay Repower	-	8
SDG&E Alt. 1: All-Source Generation Alternative	507	-
SDG&E Alt. 2: In-Area Renewable Alternative	544	-
SDG&E Alt. 3: LEAPS Transmission-Only	263	-
SDG&E Alt. 4: Draft EIR/EIS Environmentally Superior Southern Route	150	164
SDG&E Alt. 5: Draft EIR/EIS Environmentally Superior Northern Route	280	306
SDG&E "Enhanced" Northern Route	161	184
SDG&E "Modified" Southern Route	161	-

DRA questions whether SDG&E's estimate fully includes all capital costs and points out that construction costs may change once environmental review is done and the final routing details have been established.[285] DRA also argues that SDG&E should have included the cost of the San Felipe Substation in Imperial Valley in its capital costs, because that substation appears to be necessary to achieve any reduction in Local Capacity Requirements.[286]

UCAN argues that the San Felipe Substation should be included in estimated capital costs, as well as other facilities needed to mitigate the overloads

[282] Unless otherwise stated, tables containing annual levelized benefits are for benefits from 2010-2049 for Phase 1 and from 2012-2058 for Phase 2.

[283] SDG&E Exhibit SD-142, Table 11-6.

[284] CAISO Exhibit I-13, 22. We calculate the capital cost of Green Path by subtracting the capital cost of Sunrise from the Sunrise + Green Path total.

[285] DRA Phase 1 Opening Brief, 21.

[286] DRA Phase 1 Opening Brief, 71-72.

that UCAN claims Sunrise would cause.[287] UCAN also contends SDG&E "may have failed to include" costs associated with future transmission additions that UCAN asserts will be necessary if Sunrise is constructed.[288] UCAN lists several of these additional projects it asserts may be needed as a result of Sunrise.[289]

6.17.2. Operating and Maintenance Costs

In Phase 1 SDG&E estimated the operating and maintenance costs for Sunrise to be $10 million per year (in 2010 dollars).[290] This value includes all associated general and administrative costs and is assumed to escalate with inflation. In Phase 2 SDG&E reduced its operating and maintenance cost estimate to $3.9 million per year (in 2010 dollars).[291] This estimate appears to exclude associated general and administrative costs.

UCAN asserts that SDG&E has underestimated its Phase 1 Sunrise operating and maintenance costs by a factor of at least four.[292] UCAN observes that for 2006, SDG&E's transmission operating and maintenance costs totaled over $30 million, or approximately 3.3% of its nearly $1 billion transmission plant valuation. In contrast, SDG&E proposed only 0.7% in operating and maintenance costs for Sunrise, a project which will double its transmission rate base. UCAN proposed that Sunrise's operating and maintenance costs should be estimated at $26.3 million per year, administrative and general costs should be at

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[287] UCAN Phase 1 Opening Brief, 292-293.

[288] UCAN Phase 1 Opening Brief, 290.

[289] UCAN Phase 1 Opening Brief, 291-292.

[290] SDG&E Phase 1 Opening Brief, 75.

[291] CAISO Reply Comments on Compliance Exhibit, 8.

[292] UCAN Phase 1 Opening Brief, 282.

least $8.4 million per year, and other fees and charges should be at least $0.6 million per year, for a total of $35.3 million per year.[293]

SDG&E responds that UCAN errs when it divides operating and maintenance in current dollars by the gross book cost of plant, which was recorded many years ago in prior year (deflated) dollars.[294] CAISO makes similar claims.[295]

Mussey Grade argues that the cost of potential wildfires accidentally started as a result of Sunrise's operation should be estimated and applied to the costs of the project. Mussey Grade estimates these costs to be on the order of $2 million per year.[296] SDG&E responds that Mussey Grade's analysis overstates the risk of fire from Sunrise and that the potential cost of wildfires is already included in SDG&E operating costs through its liability insurance.[297]

6.17.3. Cost Recovery Period

In Phase 1, SDG&E and other parties used a 40-year life to amortize Sunrise's capital costs. In Phase 2, SDG&E represents it has reached an agreement with the Federal Energy Regulatory Commission (FERC) regarding amortization of transmission investments and accordingly, that Sunrise should be amortized over 58 years.[298]

UCAN objects to the use of the 58-year amortization period. UCAN contends that because this amortization period was the product of a settlement

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[293] UCAN Phase 1 Opening Brief, 280-286.

[294] SDG&E Phase 1 Reply Brief, 117.

[295] CAISO Reply Comments on Compliance Exhibit, 9.

[296] Mussey Grade Phase 1 Opening Brief, 5.

[297] SDG&E Exhibit SD-15, 15.

[298] SDG&E Exhibit SD-36, page 11.29.

approved on May 18, 2007 (prior to the date for distributing prepared rebuttal testimony in Phase 1 of this proceeding), SDG&E should have included it in its Phase 1 showing.

6.18. Discussion

We find that SDG&E has offered the best developed capital cost estimates for the Proposed Project and the other transmission alternatives. We adopt these capital cost estimates as Analytical Baseline assumptions. While we are not convinced that SDG&E has the best information available to estimate the capital costs associated with the generation alternatives, no other party has provided cost estimates for them.[299] Therefore, except where we expressly deviate from SDG&E's estimates of the costs of the generation alternatives (as discussed in Section 11), we adopt these SDG&E cost estimates in the Analytical Baseline.

We find that SDG&E has significantly understated Sunrise operating and maintenance costs. It is unreasonable to assume that operating and maintenance costs for a 100+ mile long transmission line will be less than $4 million per year. We adopt UCAN's estimate of $26.3 million per year for operating and maintenance costs in our Analytical Baseline assumptions. To the extent that $26.3 million is an overstatement, we find that it compensates for the likelihood that SDG&E has understated its Sunrise capital costs and the need for associated facilities to achieve the projected Local Capacity Requirement reductions.

With regard to wildfire costs, we agree that SDG&E's insurance covers potential costs.

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[299] Nevada Hydro disputes SDG&E's TE/VS cost estimates. However, Nevada Hydro circulated and then withdrew its own prepared testimony on the cost estimates for the TE/V, so we have no alternative estimate in the record.

We agree with SDG&E regarding the cost recovery period. Even though this parameter changed during the course of this proceeding, the 58-year amortization period is SDG&E's most-current information and is recognized by FERC. Accordingly, we adopt it for our Analytical Baseline assumptions.

7. Estimates of SDG&E's Reliability Need Based on Analytical Baseline Assumptions

7.1.1. Parties' Positions

Using their own, varying Analytical Baseline assumptions (described in the preceding Section), SDG&E, CAISO, and UCAN project when SDG&E will experience a reliability need or "shortfall" in its service area, and how big the shortfall will be. Table 4 sets forth these parties' final estimates of SDG&E's reliability need:

Table 4: Parties' Final Projections of Reliability Need[300]
(MW Surplus / (Deficiency))

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
SDG&E [301]	39	78	(104)	(133)	(175)	(229)	(300)	(371)	(440)	-	-
CAISO[302]	12	45	(146)	(187)	(244)	(313)	(403)	(495)	(588)	(683)	(779)
UCAN[303]	2	61	36	14	(8)	(47)	(101)	(157)	(212)	-	-

DRA, Nevada Hydro, and Powers Engineering dispute CAISO and SDG&E estimates of reliability need. DRA concludes SDG&E will not require additional resources until at least 2013, but more likely 2015 or 2016, whether or not Sunrise is built.[304]

Nevada Hydro states that, with the addition of the TE/VS line, SDG&E will require additional resources no sooner than 2020.[305]

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[300] Both CAISO and SDG&E originally predicted shortfalls starting in 2010. While neither party revised its Phase 1 load and resource showing, both later acknowledged that Sunrise would not be online in 2010. CAISO assumes that Sunrise will not be online until 2011. CAISO Exhibit I-12, 2. We adjust CAISO's showing in Table 4 to assume that 145 MW will be under a Must Run contract in 2010 and 2011, consistent with the discussion regarding the existing South Bay Power Plan in Section 6.7.1. SDG&E suggested that a reliability need caused by a delay in Sunrise coming online would be addressed by adding new peakers in the San Diego area. See SDG&E Exhibit SD-35. Thus, we assume the addition of these peakers in Table 4, consistent with the discussion in Section 6.7.2.

[301] SDG&E Exhibit SD-142, LD2D-#217099-v1-RMR_AlL_Revised_Alternatives_Workpapers. SDG&E's final numbers were adjusted to keep the N-1 import limit at 2,500 MW.

[302] CAISO Phase 1 Opening Brief, 21.

[303] UCAN Exhibit U-101, "Phase IIrebuttalworkpapers.xls."

[304] DRA Phase 1 Opening Brief, 1.

[305] Nevada Hydro Phase 1 Opening Brief, 12.

Powers Engineering's proposed combination of increased solar PV, other distributed generation, demand response, and energy efficiency is designed to avoid any need for new resources until 2020.

7.1.2. Discussion

Section 6.1 summarizes our adopted Analytical Baseline assumptions. We adopt the findings in Table 5, which presents the projected "reliability need" for SDG&E's service area applying our adopted Analytical Baseline assumptions.

Table 5: Commission's Adopted Projections of Reliability Need (MW Surplus/(Deficiency)

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
MW Surplus / (Deficiency)	773	698	624	55	(22)	(95)	(164)	(237)	(310)	(383)	(456)

Table 5 shows that under our adopted Analytical Baseline assumptions SDG&E's service area has no reliability need for new resources before 2014 and has a surplus of capacity of 773 MW in 2010, 698 MW in 2011, 624 MW in 2012, and 55 MW in 2013. It also shows a reliability need for new resources starting at 22 MW in 2014 and 95 MW in 2015, with a total of 456 MW by 2020.

8. Energy Benefits

8.1. What They Are and How They Are Estimated

SDG&E claims that Sunrise will lower consumer costs by increasing the availability of lower cost, out-of-state power. This cost savings is referred to as an "energy benefit." Other types of energy benefits include:

- Transmission grid efficiencies that reduce the total cost to deliver energy throughout the year, including line loss reductions and congestion cost savings; and

- Increased profits from utility-retained nuclear and hydro generation resulting from reduced market prices, which are passed through to California investor-owned utility ratepayers.[306]

A transmission project like Sunrise will change how the grid operates and how generation resources are dispatched throughout WECC. These changes in grid operations and generation dispatch result in the energy benefits (or costs) described above.

To determine how a proposed high voltage transmission line will impact the grid, planners use sophisticated production cost simulation models to capture the changes in generation dispatch resulting from the proposed line. These models simulate the operation of the utility system by modeling not only the hourly changes in loads across the regions, but also the operation of the fleet of power plants to meet these changing loads in a least-cost fashion given operational constraints, reliability requirements, and power flows on the interconnected grid. Given the resulting dispatch of these fleets of power plants, the models forecast the hourly marginal price of power at various points throughout WECC.[307] The total cost of generated power, assuming that the proposed transmission project is in operation, is then subtracted from the total cost in a reference case that does not assume the line's existence, to arrive at production cost savings resulting from the proposed project.

The assumptions underlying production cost models have a significant impact on modeling results. In this proceeding, both SDG&E and CAISO began their production cost modeling using the databases of generation and

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[306] If profits decline as a result of a proposed project, then this is a project cost, rather than a benefit.

[307] These production cost models can also estimate overall emissions from these power plants, such as GHG emissions, as discussed in Section 14.3, below.

transmission resources compiled by SSG-WI. They then modified this data, based on their own assumptions as described in Section 6.8.1 above. Their modeling generated significantly different estimates of energy benefits based on their different assumptions.

8.2. Overview of Conclusions

Four parties submitted production cost modeling cases estimating the energy benefits generated by the Proposed Project and some of its alternatives, while UCAN and DRA derived energy benefits from others' modeling results. For the Proposed Project, SDG&E concludes by estimating energy benefits of $105 million per year, which are reduced to $52 million per year when compared to a combustion turbine reference case.[308] CAISO's final estimate of energy benefits is $34 million per year;[309] DRA estimates a range of energy benefits between $20 million and $80 million per year;[310] and UCAN does not separately state energy benefits, but claims that its estimate would be less than SDG&E's.[311]

SDG&E revised its estimated energy benefits many times during the proceeding to address both modeling errors and to test new assumptions. SDG&E's final estimated energy benefits far exceed the projections of the other parties, including CAISO's. Given SDG&E's anomalous showings, and other factors discussed below, we conclude that we cannot rely on SDG&E's estimated energy benefits. We adopt the energy benefits for Sunrise estimated in the Compliance Exhibit of $5 million per year under 20% RPS and $18 million per year under 33% RPS.

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[308] SDG&E Exhibit SD-142, 36.

[309] CAISO Exhibit I-2, 3-5.

[310] DRA Phase 2 Opening Brief, 15.

[311] UCAN Phase 2 Opening Brief, 174-176.

8.3. Parties' Modeling Efforts

Parties' estimates of Sunrise's energy benefits have evolved throughout the proceeding in response to SDG&E's changes in assumptions and modeling methodologies and corrections of errors in its analyses.

Table 6 below summarizes the change in SDG&E's projected energy benefits over the course of the proceeding. SDG&E estimated energy benefits of $96 million per year in the 2005 Application, $468 million per year in the 2006 Application, and eventually finished in July 2007 with an estimate of $105 million per year in energy benefits. When compared to a combustion turbine reference case modeled using its own Analytical Baseline assumptions in Phase 2, SDG&E projects energy benefits of $52 million per year from Sunrise.

Table 6: SDG&E Assessment of Energy Benefits (Annual Levelized $ Millions)

Source	Projected Energy Benefits
2005 Application, page V-13	96
2006 Application, Chap. IV, page IV-8	468
January 2007 Correction to 2006 Application[312]	101
7/25/07 Errata[313]	105
Sunrise compared to combustion turbine reference case[314]	52

CAISO estimated energy benefits of $125 million ($2006) for the year 2015 in its report to its Governing Board. After a top to bottom review of its case at the beginning of Phase 1, CAISO changed its estimate of energy benefits for the year 2015 to $140 million ($2015), which is equal to $112 million ($2006).[315] After a workshop among the parties, in March 2007 CAISO revised downward its

[312] Correction to Amended Application of San Diego Gas & Electric Company, filed January 19, 2007, page IV-8.

[313] SDG&E Exhibit SD-26, Exhibit J, 6-7.

[314] SDG&E Exhibit SD-142, 35. In Phase 2 SDG&E initially submitted calculations of net benefits absent the standard combustion turbine reference case. Instead, SDG&E treated the Proposed Project as the reference case and compared each of the alternatives' net benefits against the net benefits generated by Sunrise. Thus, comparisons with Phase 1 results were difficult. To remedy this shortcoming, the ALJ directed SDG&E to submit testimony with a combustion turbine reference case similar to its Phase 1 assessment, and two additional reference cases. SDG&E presented these results in May 2008, showing substantially lower net benefits than in Phase 1. After the hearings concluded, CAISO claimed in its Phase 2 reply brief that SDG&E's analysis of benefits in response to the ALJ's ruling was fatally flawed. CAISO did not provide an affidavit to substantiate its claims nor propose any remedy. SDG&E did not rely on SDG&E Exhibits SD-142, SD-143, or SD-144 (the results of this analysis) in either its Phase 2 opening or reply briefs.

[315] For consistency, CAISO Exhibit I-1 2015 benefits have been brought to 2006 dollars from 2015 dollars by deflating at 2.5%.

showing of levelized benefits for Sunrise and projected reduced energy benefits of $34 million per year (2006$).[316]

Instead of pursuing varied assumptions to test these energy benefit revisions, CAISO elected to keep them constant – at $34 million per year – through the rest of the proceeding.[317]

8.4. Discussion

Throughout this proceeding, parties identified numerous errors in all of SDG&E's energy benefit modeling. While we acknowledge that SDG&E attempted to remedy these defects, we are unable to conclude that SDG&E has identified or corrected all of its modeling errors or the assumptions that drive those models. We also find key SDG&E assumptions unreasonable. For example, SDG&E assumes the same level of renewable resources in the Imperial Valley whether or not Sunrise or other transmission options, such as Green Path, are built. This assumption contradicts SDG&E's testimony regarding the likely level of renewable development in the Imperial Valley without Sunrise.[318] It also is inconsistent with SDG&E's assertion that, without a new transmission line, the 1,150 MW dispatch limit precludes interconnection of new resources at Imperial Valley Substation.[319]

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[316] CAISO Exhibit I-2, 3-5.

[317] CAISO did not perform any production cost modeling in Phase 2. Instead, CAISO focused its later modeling efforts on the projected reliability and RPS Compliance benefits of the project. Those efforts are described in the following Sections of this decision.

[318] See, for example, SDG&E Exhibit SD-15.

[319] SDG&E's assumption is also inconsistent with CAISO powerflow modeling that found reliability criteria violations with this level of Imperial Valley renewable development absent Sunrise. See, e.g., CAISO Exhibit I-3, which describes criteria

Similarly, CAISO's modeling produced varied results and is based on several significant assumptions we do not adopt. Among other things, CAISO's modeling does not use the November 2007 Forecast of peak demand, and adjustments to that forecast, that we adopt. It also assumes more than 12,000 MW of new coal generation in WECC; we assume only 25% of that coal generation, as discussed in Section 6.11, above. Finally, at the end of Phase 1, CAISO adopted $34 million per year as the estimated energy benefits of Sunrise, and did not run any further production cost models to address potential deficiencies in this showing.

We do not adopt CAISO's energy benefit projections discussed here. Instead, we rely on the energy benefits generated by the CAISO Compliance Exhibit, which scales from CAISO's Phase 1 production cost modeling to apply most of our Analytical Baseline assumptions adopted here. The CAISO Compliance Exhibit, discussed in Section 11.3, estimates energy benefits for both SDG&E's "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route to be $5 million per year under 20% RPS and $18 million per year under 33% RPS. CAISO estimates no energy benefits for the All-Source Generation Alternative.

9. Reliability Benefits

9.1. What They Are and How They Are Estimated

Reliability benefits are savings generated when a generation or transmission resource results in:

- Deferred or avoided new generation (generally quantified as combustion turbine costs); and

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violations associated with a UCAN-specified scenario having the same level of renewables in Imperial Valley as assumed by SDG&E.

- Must Run contract savings – also referred to as "reduced local reliability costs" or "market power mitigation costs."

By improving the transfer capability between the San Diego load area and generation resources outside of the load area, Sunrise will lower the Local Capacity Requirements in the San Diego area, deferring the need for both Must Run contracts and new generation. However, to the extent that Sunrise or other transmission alternatives cause generating capacity in a neighboring Local Reliability Area to become committed to SDG&E, this will simultaneously reduce SDG&E's Local Capacity Requirement and increase the Local Capacity Requirement in neighboring systems. Thus, CAISO assumes in its modeling that Sunrise will increase the Local Capacity Requirement in the Los Angeles Basin,[320] and so it also calculates the "reliability cost" to ratepayers of this System Resource Adequacy generation that Sunrise draws from the Los Angeles basin. CAISO also calculates avoided System Resource Adequacy based on new renewable generation resulting from Sunrise.

The value of avoided Must Run contracts is quantified based on costs. The value of deferred new generation is measured as the discounted difference in the cost of new generation resources (usually combustion turbines) with and without the deferral. For example, the value of a five-year delay in the need for a new combustion turbine is measured as the cost of the combustion turbine built in lieu of Sunrise minus the discounted cost of the combustion turbine built five years later.

A proposed project or its alternatives may have other reliability benefits that are not easily quantified. For example, transmission line alternatives are

[320] CAISO assumes Sunrise will draw resources from the Imperial Irrigation District that would have otherwise met Los Angeles basin Local Resource Adequacy needs.

more susceptible to wildfire-induced outages than generation alternatives. Also, generation alternatives may provide reliability services to CAISO, such as reactive power support and grid regulation, that a transmission alternative cannot provide.

Finally, SDG&E presents a quantitative assessment of the potential customer costs associated with outages on different transmission alternatives.

9.2. Overview of Conclusions

As set forth in Section 7 above, parties predict, based on their own Analytical Baseline assumptions, different reliability needs in SDG&E's service area beginning in different years. SDG&E, CAISO, UCAN, and DRA each modeled reliability benefits. Table 7 presents parties' final estimates of the reliability benefits generated by the Proposed Project:

Table 7: Parties' Final Projected Reliability Benefits (Annual Levelized $ Millions)

Party	Must Run Contract Savings	Avoided New Generation Costs	System RA Costs	Total Reliability Benefit
SDG&E [321]	$104	$44		$148
CAISO[322]	$35	$231	-$29	$237
DRA[323]				$8 - $117
UCAN[324]				<SDG&E

This table shows CAISO's total projected reliability benefits to be substantially higher than other parties' projections.

[321] SDG&E Exhibit SD-142, 28, 32.

[322] CAISO Exhibit I-13, Work Papers.

[323] DRA Phase 2 Opening Brief, 14.

[324] UCAN Phase 1 Opening Brief, 261-63. UCAN does not separately estimate reliability benefits, however its reliability benefits would be less than SDG&E's.

As discussed in Section 6.16, we do not adopt the combustion turbine costs assumed by CAISO. Using CAISO's modeling methodology, we assume reliability benefits for Sunrise of $156 million per year, as calculated using our Analytical Baseline assumptions.

9.3. Parties' Modeling Efforts

Parties' modeling efforts produce varying results because they predict that SDG&E will have a reliability need at different times, and of different amounts. They also disagree about Sunrise's impacts on SDG&E's Local Capacity Requirement, and how to calculate the value of avoided new generation costs and Must Run contract savings.

In estimating Sunrise's impact on SDG&E's Local Capacity Requirement, CAISO assumes that Sunrise will cause SDG&E's "All Lines in Service" Simultaneous Import Limit to increase from 2,850 MW to 4,200 MW and its Non-Simultaneous (G-1/N-1) Import Limit to increase by 1,000 MW, from 2,500 MW to 3,500 MW.[325] These increased import limits result in a potential reduction in SDG&E's Local Capacity Requirement, and thus a reduction in the amount of new in-area generating capacity and Must Run contracts needed by SDG&E to meet those requirements.

Table 8 shows the progression of CAISO's projected reliability benefits for Sunrise:

[325] CAISO Phase 1 Opening Brief, 21.

Table 8: CAISO Assessment of Annual Levelized Reliability Benefits

Source	Must Run Contract Savings	Avoided New Generation Costs	System Resource Adequacy Cost	Total Reliability Benefits ($ millions)
CAISO Exhibit I-2, Table 3.5 (4/20/07 Second Errata to Testimony, Part II, Phase 1)	42	107	Not calculated	149
CAISO Exhibit I-6, Table 6 (7/12/07 Errata to Rebuttal Testimony, Phase 1)	42	115	-29	129
CAISO Exhibit I-12, Work Papers (Direct Testimony, Phase 2)	36	211	-27	220
CAISO Exhibit I-13 Work Papers (Rebuttal Testimony Work Papers, Phase 2)	35	231	-29	237

CAISO changed its projected reliability benefits for Sunrise several times during Phase 1 of the proceeding in response to parties' comments. For example, CAISO assumed a higher price floor for Resource Adequacy resources and the addition of 660 MW of non-local Resource Adequacy capacity purchases. CAISO also reduced the 2015 Local Capacity Requirements for SDG&E's service area by 242 MW by assuming: (1) increased load growth; (2) increased demand response (30 MW from the EnerNOC contract); (3) increased AMI savings (which CAISO states will reduce the Local Capacity Requirement by 223 MW); and (4) the addition of 182.5 MW of incremental in-area generation.[326] Finally, CAISO assumed that transmission alternatives would affect Local Capacity Requirements in several ways. First, Sunrise would reduce SDG&E's Local Capacity Requirement by 1,000 MW and, at the same time increase the Local

[326] CAISO Exhibit I-6, 16-20, 30-33. CAISO assumed the 182.5 MW of incremental generation would be comprised of: 4.5 MW from the San Diego County Water Authority Project; 20 MW from the Bull Moose Project; 138 MW from the Pala and Margarita Peakers; and 20 MW from the addition of the air inlet coolers at Palomar.

Capacity Requirement in the Los Angeles basin by 1,000 MW. Second, CAISO assumed that new resources developed in the Imperial Valley will reduce the Los Angeles basin Local Capacity Requirement. However, until Imperial Valley renewables develop as a result of Sunrise, Sunrise generates a negative benefit since there are no new resources in the Imperial Valley to counteract the Sunrise-generated increase in the Los Angeles basin Local Capacity Requirement. CAISO calculates the resulting increase of the Los Angeles basin Local Capacity Requirement as a System Resource Adequacy cost to SDG&E of $27/kW-yr ($2006).

Some of these changes tended to increase estimated reliability benefits, and some tended to decrease estimated reliability benefits. In total, CAISO's projected reliability benefits fell by $20 million per year in Phase 1, from $149 million per year to $129 million per year.

In Phase 2, as described in Section 6.16 above, CAISO changed its estimated combustion turbine costs from $78/kW-year to $162.10/kW-yr. This change raised its projected reliability benefits from $129 million per year in Phase 1 to $248 million per year in Phase 2.

Parties disagree with CAISO's assumptions about Sunrise's impact on SDG&E's Local Capacity Requirements and they disagree with CAISO's calculations of avoided new generation costs and Must Run contract savings. We address each of these issues in turn.

9.3.1. Sunrise's Impact on Local Capacity Requirements

Parties dispute CAISO's conclusions regarding Sunrise's impact on Local Capacity Requirements in San Diego and the Los Angeles basin. Nevada Hydro disputes CAISO's conclusion that TE/VS-generated Local Capacity Requirement

reductions in SDG&E's service area will be offset by an identical increase in Local Capacity Requirements in the Los Angeles basin.[327] Nevada Hydro also believes both SDG&E and CAISO have applied more stringent criteria than the applicable standard under CAISO Grid Planning Criteria.[328] SDG&E and CAISO contend that Nevada Hydro misinterprets or does not understand CAISO Grid Standards, in particular how they relate to Path 44.[329]

DRA argues that SDG&E incorrectly assumes that Sunrise will provide 1,000 MW of reduced Local Capacity Requirements and thus over-estimates the reliability benefits of Sunrise, or at least fails to account for the risk that Sunrise will not yield such benefits.[330] DRA also asserts that none of the transmission alternatives will offer significant local reliability benefits to SDG&E customers and that the Commission must continue to monitor SDG&E's local reliability regardless of the action we take on any Sunrise transmission alternative.[331] DRA states that a CAISO report[332] suggests that Sunrise could result in increased Local Capacity Requirements in San Diego. DRA focuses on the report assessment that while Sunrise will reduce the need for new generation in the San Diego local area by 1,000 MW, CAISO's new "South Bay Sub-area" will require contracts with the South Bay Power Plant, a new plant, or upgrades on SDG&E's transmission

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[327] Nevada Hydro Phase 1 Opening Brief, 32.

[328] Nevada Hydro Phase 2 Opening Brief, 35.

[329] SDG&E Phase 2 Reply Brief, 140-141; CAISO Phase 2 Reply Brief, 14-17.

[330] DRA Phase 2 Reply Brief, 22, 55.

[331] DRA Exhibit D-101, Volume 1, 38.

[332] DRA Exhibit D-45.

system, and CAISO's new "Greater Imperial Valley-San Diego" area could require as much as 3,190 MW of local generation.[333]

Both CAISO and SDG&E claim that DRA's analysis is flawed. They contend that resources in the Greater Imperial Valley-San Diego area that do not currently count toward meeting Local Capacity Requirements would be counted once Sunrise comes online and that because little or no incremental costs are associated with these resources, SDG&E will avoid up to 1,000 MW of new capacity. However, CAISO agrees that delays in development of Imperial Valley renewables will result in reduced reliability benefits. According to CAISO, levelized benefits are reduced by $11 million per year if Imperial Valley renewable development occurs slower than expected.[334] SDG&E does not address the impact of delayed renewable development on its reliability benefit projections.

UCAN argues that Sunrise's impact on Local Capacity Requirements is not clear. UCAN states that there are overloads under certain contingencies when Sunrise is analyzed (1) with all lines in service and 4,200 MW of imports or (2) under G-1/N-1 conditions and 3,500 MW of imports. Because of these overloads, UCAN contends that it is uncertain that Sunrise will increase SDG&E's import capacity under contingency conditions by 1,000 MW (thus lowering Local Capacity Requirements).[335] SDG&E claims that upgrades have been completed to address this issue.[336]

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[333] DRA Exhibit D-101, 8-11, 17-18.

[334] CAISO Exhibit I-13, 19.

[335] UCAN Phase 1 Opening Brief, 55, note 214.

[336] SDG&E Phase 1 Reply Brief, 124.

UCAN also argues that Sunrise is extremely oversized relative to the magnitude of need in the SDG&E service area. UCAN states, for example, that Sunrise exceeds, by 994 MW, UCAN's estimated reliability shortfall of 6 MW in 2017.[337]

South Bay agrees with CAISO and SDG&E that Sunrise will increase import capability into San Diego by about 1,000 MW but contends that in-area generation can provide greater reliability benefits at a lower cost.[338] South Bay states that the assumption that additional System Resource Adequacy capacity[339] will be available for import over Sunrise is questionable, given the rapid load growth in the Southwest that will use that power and the Arizona Corporation Commission's decision to deny the Devers – Palo Verde transmission line. South Bay states that the Arizona Corporation Commission's regulatory decision demonstrates the difficulty in siting out-of-state energy facilities for the benefit of California customers.[340]

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[337] UCAN Phase 1 Opening Brief, 55. UCAN ultimately projects a reliability shortfall of 157 MW in 2017. See Table 4 in Section 7 above.

[338] South Bay Phase 1 Opening Brief, 11.

[339] Under the Commission's System Resource Adequacy requirements, each load serving entity is required to procure the capacity resources, including reserves, needed to serve its aggregate system load. However, the load serving entity is not required to account for local transmission constraints that could prevent the procured capacity from being available to serve load. Thus, load serving entities could be resource-adequate on an aggregate or system basis but transmission-constrained local load pockets could still be resource-deficient. It is this problem that Local Resource Adequacy requirements are intended to resolve. If the transfer capability into a local load pocket area is less than the load demand within the area, then, depending on reliability criteria, additional generation capacity within the load pocket is needed to satisfy the Local Resource Adequacy requirement. See D.06-06-064.

[340] South Bay Opening Phase 1 Brief, 13.

South Bay concludes that even with enough System Resource Adequacy capacity, SDG&E will need to procure capacity from local generation resources to meet its Local Capacity Requirements, whether or not Sunrise is built. South Bay points out that local generation, such as the existing South Bay Power Plant or its replacement project, meet both System and Local Resource Adequacy (or Local Capacity) Requirements.[341] Under the Commission's rules on counting capacity for these purposes, imported generation does not meet Local Capacity Requirements.[342]

9.3.2. Estimating Benefits of Deferred New Generation

SDG&E states that the value of combustion turbines deferred by Sunrise represents the value of the avoided revenue requirement associated with its fixed costs. In Phase 1, SDG&E estimated the deferred generation savings attributable to Sunrise at approximately $96 million per year,[343] but SDG&E's Phase 2 showing anticipates reduced savings of only $44 million per year.[344]

In its final Phase 1 showing, CAISO estimated that without Sunrise 313 MW of new combustion turbine resources would be needed in 2015 and valued those combustion turbine additions at $78/kW-year (2007$, escalated at 2% per year), resulting in avoided new generation costs of $115 million per year. As discussed in Section 6.16, CAISO's Phase 2 combustion turbine cost estimates increase to $162.10/kW-yr (2007$, escalated at 2% per year). The updated

[341] South Bay Opening Phase 1 Brief, 13.

[342] South Bay Exhibit S-8, 2.

[343] SDG&E Exhibit SD-26, Exhibit H, Table H-17.

[344] SDG&E Exhibit SD-142, 32.

combustion turbine costs double CAISO's projected generation savings to $231 million per year.[345]

UCAN argued in Phase 1 that SDG&E overstated combustion turbine costs by including 138 MW associated with the Pala and Margarita Peakers.[346] UCAN estimated that including these plants in the reliability benefits calculations overstates the benefits by $15 million per year.[347]

9.3.3. Estimating Must Run Contract Savings

SDG&E estimated the Must Run contract savings of Sunrise to be $96.7 million[348] per year in Phase 1; its Phase 2 estimate is $104 million per year.[349]

CAISO estimated the Must Run contract savings of Sunrise to be $42 million per year in Phase 1; its Phase 2 estimate is $35 million per year. To calculate these benefit estimates, CAISO used a spreadsheet model to determine Must Run contract savings under several different scenarios and compared them to a reference case.

CAISO's modeling approach rests on several important assumptions. First, CAISO assumes that existing Must Run generators will remain viable and ready to accept a Must Run contract, even if they do not receive a Must Run contract for several years. Second, CAISO assumes that all non-Sunrise scenarios provide the same amount of RPS-related System Resource Adequacy, regardless of the level of in-area renewable generation. Third, CAISO's modeling assumes

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[345] CAISO Exhibit I-12, 8. The assumed increase of $119 million from updated combustion turbine costs was added to the $87 million non-Must Run reliability benefits from Exhibit I-6, Table 6.

[346] UCAN Phase 1 Opening Brief, 261.

[347] *Ibid.*, 263.

[348] SDG&E Phase 1 Opening Brief, 159.

[349] SDG&E Exhibit SD-142, 32.

that Sunrise permanently avoids the construction of new combustion turbines, rather than merely postponing them.

DRA argued in Phase 1 that SDG&E and CAISO Must Run cost estimates were unrealistic because they included older units that DRA contended likely would retire and could not operate economically under CAISO assumptions.[350] DRA estimated the Must Run contract savings associated with reduced Local Capacity Requirements by assuming: (1) higher combustion turbine costs from SDG&E's 2008 Peaker RFO; (2) that all future Must Run contracts would be provided "full cost recovery"; (3) that local units would retire if they did not receive full cost recovery contracts and would be replaced by combustion turbines; and (4) that San Diego customers would continue to pay System Resource Adequacy costs to compensate for reduced Local Capacity Requirements.[351] Based on those assumptions, DRA estimated the total reliability benefits associated with Sunrise at $56 million per year in Phase 1, with Must Run contract savings constituting a portion of that.[352]

In Phase 2 DRA asserts that CAISO improperly assumes that Must Run contract prices will drop as a result of competition. DRA argues that Must Run contract prices will not fall appreciably below their FERC-established cost of service. Further, given the relative inefficiencies of many Must Run units, DRA challenges CAISO assumptions that Must Run units will recover any of their operating costs from the market. Rather, DRA assumes that existing Must Run units will require contracts that provide them full cost of service recovery.[353]

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[350] DRA Phase 1 Opening Brief, 60-61.

[351] DRA Phase 1 Opening Brief, 65-66.

[352] DRA Phase 1 Opening Brief, 65-67.

[353] DRA Exhibit D-101, Vol. 1, 21.

CAISO disagrees, pointing out that Sunrise will reduce the need for Must Run contracts and, as a result, CAISO will be able to contract with lower-cost in-area generators, thereby reducing Must Run contract prices below those available today.[354]

UCAN itemizes numerous changes in SDG&E's and CAISO's assumptions underlying the Must Run benefits calculations, and suggests that eventually both CAISO and SDG&E come close to agreeing with UCAN's opening position.[355] UCAN claims that SDG&E's modeling assumes that the existing Encina units can be mothballed and then returned to service in lieu of building more expensive combustion turbines. UCAN argues that because the Encina units have worse heat rates than new combustion turbines, they are unlikely to ever earn substantial operating profits from energy sales. Consequently, UCAN contends that SDG&E cannot expect the Encina units will be available without capacity payments. UCAN claims that shutdowns would lead to an even smaller number of merchant generators competing to provide resources to meet the Local Capacity Requirement and the net effect would be the same MW of local capacity sold by fewer merchant generators at a higher price.[356]

9.3.4. Unquantifiable Reliability Benefits

Parties identify a number of difficult to quantify or unquantifiable reliability benefits, ranging from the reduced fire risks inherent in some

[354] CAISO Phase 2 Reply Brief, 40.

[355] UCAN Phase 1 Opening Brief, 260.

[356] UCAN Exhibit U-4, 162.

alternatives,[357] to the general value of long-term improvements to SDG&E's aging transmission infrastructure. SDG&E identifies the following unquantified benefits of Sunrise:

- A reduced vulnerability to fires, as Sunrise would not share a corridor with the Southwest Powerlink;
- Improved maintenance, as Sunrise would allow for "maintenance to be performed more readily on all interconnections with less risk";
- A more robust southern California transmission system;
- Support of future system expansion and interconnection;
- Long-term improvement to the aging infrastructure, including facilitating the replacement of aging power plants in the San Diego area and the consequent reduction in airborne emissions;
- Insurance against unexpected high load growth in SDG&E's service area;
- Reduced uncertainty created by potential qualifying facility contract terminations; and
- Reduced electricity costs by increased competition and fuel diversity in wholesale electricity markets selling into California.[358]

Parties dispute these benefits as either inaccurate or unsubstantiated. For example, Conservation Groups argue that siting Sunrise in "fire prone, remote areas" increases the risk of fires and the system's vulnerably to them.[359] UCAN argues that SDG&E's claim of improved maintenance is unsubstantiated and that

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[357] Mussey Grade, as well as the EIR/EIS, attempt to quantify some of the fire risks associated with Sunrise and its alternatives. Mussey Grades' efforts are discussed in Section 6.17.2.

[358] SDG&E Phase 1 Opening Brief, 87-91.

[359] Conservation Groups Phase 1 Opening Brief, 37.

additional costs would result, instead.[360] Nevada Hydro argues that TE/VS not only provides all of the benefits SDG&E lists, but is superior to Sunrise because it provides a link to the north, rather than another link to Arizona.[361]

CAISO agrees Sunrise provides future expandability options,[362] but assigns no more than a 50% probability that an expansion would occur in the next ten years.[363]

Other parties identify unquantifiable benefits associated with generation alternatives. South Bay states that in-area generation offers reliability benefits that a transmission line cannot provide, including: (1) reactive power support that maintains the voltage of the transmission system within required limits,[364] which will be increasingly important as more intermittent renewable generation enters the resource mix; (2) dispatchability by CAISO to mitigate intrazonal congestion,[365] one of the problems requiring the Must Run designation for so much of the San Diego's area's existing generation; and (3) regulation of reserves, essential for maintaining the frequency of the CAISO grid within the specified reliability standards and for integration of intermittent renewable resources to effectively serve CAISO load.[366]

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[360] UCAN Phase 1 Reply Brief, 17-18.

[361] Nevada Hydro Phase 1 Reply Brief, 15.

[362] CAISO Phase 2 Opening Brief, 14.

[363] RT 5432.

[364] South Bay Exhibit S-8, 2-3.

[365] South Bay Exhibit S-8, 3.

[366] South Bay Phase 1 Opening Brief, 15.

9.4. SDG&E's "Decision Quality" Framework Modeling

In Phase 2, SDG&E presented an analytical framework for making strategic decisions "involving multiple stakeholders and values, long time horizons, and significantly different alternatives that will play out in a highly uncertain future."[367] SDG&E proposed this analysis, referred to as the "Decision Quality" framework, to ensure the decision made in this proceeding is the "best course of action for SDG&E's customers and stakeholders[.]"[368]

Using this modeling framework, SDG&E evaluates six decision alternatives[369] applying six criteria: outage risk, in-service date, GHG impact, RPS compliance, reliability need, and future expandability. All but two of the criteria (GHG impact and RPS compliance) attempt to quantify reliability benefits. SDG&E quantifies the output of the analysis based on the six criteria as an expected value for each alternative, bracketed by a range of values representing a 10% to 90% likelihood of outcome. In all cases, SDG&E finds that its "Enhanced" Northern Route is equal or superior to the other alternatives. In particular, SDG&E estimates significant costs associated with the outage risks projected for any other transmission alternative.

Parties' generally do not dispute the value of the Decision Quality modeling methodology. Rather, they contest SDG&E's underlying assumptions. SDG&E's modeling witness states that he relied solely upon SDG&E for all of the

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[367] SDG&E Exhibit SD-34C, 13.1.

[368] *Ibid*.

[369] The alternatives considered in the modeling were the All-Source Generation Alternative, the In-Area Renewable Alternative, the LEAPS Transmission-Only Alternative, Environmentally Superior Southern Route Alternative, the Environmentally Superior Northern Route Alternative, and SDG&E's "Enhanced" Northern Route. SDG&E Exhibit SD-34c, pages 13.5-13.6.

data input into the model, and that he did not verify the data provided by SDG&E, nor consider other parties' perspectives regarding that data.[370]

9.5. Discussion

We find reasonable CAISO's assumptions regarding Sunrise's impacts on Local Capacity Requirements in both San Diego and Los Angeles. Nevada Hydro's showing is unpersuasive; we do not accept Nevada Hydro's claims that CAISO and SDG&E have used improper metrics in evaluating TE/VS impacts on Local Reliability Requirement, nor that CAISO failed to perform its studies properly.

We do not accept DRA's arguments about Sunrise's potential impacts on Local Capacity Requirements. CAISO adequately explained errors in DRA's assessment.

UCAN's suggestion that Sunrise may create technical reliability problems concerns us. Neither SDG&E nor CAISO establish that criteria violations in the power flow and other technical modeling of Sunrise are insignificant.

We do not find reasonable CAISO's modeling of avoided new generation costs. As set forth in Section 6.16, we assume different combustion turbine costs than those in CAISO's Phase 1 and 2 estimates.

We agree with UCAN that SDG&E improperly included the 138 MW associated with the Pala and Margarita Peakers in its reliability savings projections. Both the CAISO and our Analytical Baselines include those peakers. As a result, they are not counted as reliability savings generated by Sunrise.

We do not agree with many of the assumptions underlying CAISO's modeling of Must Run contract savings. For example, we do not agree that

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[370] RT 5248, 5292.

potential Must Run generators will continue to be available to operate after several years with no Must Run contract. Nor do we agree that Sunrise will permanently avoid the construction of new combustion turbines, rather than just postponing them. However, we find the CAISO's reliability benefits modeling effort superior to other efforts, which have generated inconsistent results. Thus, we adopt CAISO's reliability benefits modeling methodology and the results generated using our adopted Analytical Baseline assumptions.

The unquantifiable benefits parties have suggested remain speculative and unsubstantiated. We examine them further in our net benefits discussion in Section 11, but afford them less weight than the quantifiable reliability benefits discussed above.[371]

We give no weight to the results of SDG&E's Decision Quality modeling. While the modeling methodology may have merit, SDG&E's assumptions for the modeling were not verified and very likely conflict with our adopted Analytical Baseline assumptions.

10. RPS Compliance Savings

10.1. What They Are

The RPS law requires utilities to engage in cost-effective renewable energy procurement[372] and SDG&E claims that Sunrise is needed to support the cost-effective development of Imperial Valley renewables. SDG&E should be able to support this claim by showing that Imperial Valley resources will provide ratepayers "RPS compliance savings" in lieu of the costs to develop more

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[371] The relative fire risks of the various transmission routing options are addressed in Section 16 below, and airborne emission impacts associated with all of the proposals are explored in the EIR/EIS.

[372] See, e.g., § 399.12.

expensive renewable resource areas. However, since RPS is a fairly recent development, there is no standardized approach to quantifying RPS compliance savings attributable to developing one renewable resource area ahead of another.

The Renewable Energy Transmission Initiative, also known as "RETI" and begun in mid-2007, plans to issue a report before the end of 2008 that identifies all developable renewable resource areas in California and prioritizes them by economic and environmental criteria to promote development of the most cost-effective and least environmentally damaging renewable resource areas first.[373] However, RETI did not exist when SDG&E filed its 2006 Application. CAISO recognized the need to quantify the value of developing Imperial Valley renewables in comparison to other renewable resource areas and thus developed a new modeling approach for this proceeding. CAISO's model estimates the annual levelized ratepayer benefits of developing one renewable resource area before another.

While lacking the environmental, engineering, and updated RPS cost components included in the RETI analysis, CAISO's modeling of RPS compliance savings associated with various renewable resource areas provides useful information regarding Sunrise's cost impacts on renewable development in the Imperial Valley.

10.2. Overview of Conclusions

We commend CAISO for undertaking this RPS compliance savings modeling effort and we adopt its methodology here. Using CAISO's Analytical Baseline assumptions, and assuming 20% RPS, CAISO finds that Sunrise generates no RPS compliance savings. In fact, under most circumstances, Sunrise

[373] Additional information about RETI is available at http://www.energy.ca.gov/reti/index.html.

generates no RPS compliance savings assuming a 26.5% RPS, and only generates RPS compliance savings when CAISO assumes 33% RPS.

CAISO's final showing makes several key assumptions with which we do not agree. We do not adopt CAISO's Alternative Renewable Costs, or its assumption that only 25% of out-of-state renewable resources will be available to California. Instead, our adopted Analytical Baseline assumes CAISO's CRS Renewable Costs, and that 50% of out-of-state renewable resources will be available to California. Finally, the modeling methodology used in the Compliance Exhibit did not allow calculation of RPS compliance costs, only RPS compliance savings. When we remove this modeling limitation, we find that building Sunrise will generate $90 million in RPS compliance costs under 20% RPS.

10.3. How CAISO Estimates RPS Compliance Savings

CAISO's modeling of RPS compliance savings starts with assumptions about California's RPS. CAISO assumes that SDG&E and the other load-serving entities in CAISO's control area will meet 20% RPS by 2010, and that these entities will increase renewable procurement to meet 26.5% of their load with renewables by 2015 and 33% of their load with renewables by 2020.[374] CAISO also assumes that 75% of the non-Commission regulated utilities will voluntarily comply with 20% RPS by 2010 and 33% RPS by 2020.[375]

Using these assumptions, CAISO developed "least cost" supply curves showing how utilities likely will meet these RPS targets over time, based on the availability and cost of renewable resources in various geographic locations.

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[374] CAISO Phase 1 Opening Brief, 29.

[375] CAISO Phase 1 Opening Brief, 30; see also CAISO Exhibit I-2, 31.

CAISO started by identifying all RPS-eligible generation resources in the WECC available to be developed and delivered to California in 2010, 2015 and 2020. It then estimated the costs of those resources using its CRS Renewable Costs, developed as described in Section 6.13 above.[376]

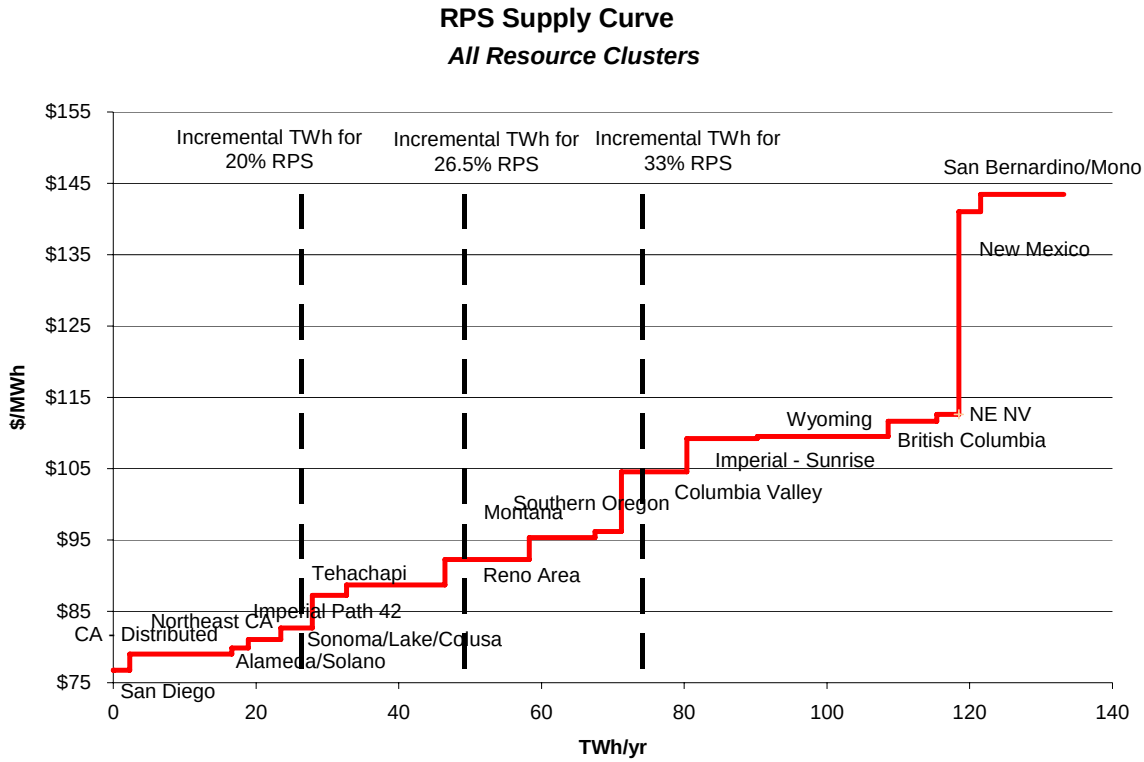
Next, CAISO aggregated the renewable resources it identified into 17 geographic "resource areas" and averaged the cost of each resource area.[377] CAISO added transmission-related costs to each resource area to arrive at a levelized cost of delivered renewable resources from each resource area.[378] Once CAISO established the quantity and levelized delivered cost of power from each resource area, it ranked each resource area from lowest to highest-cost to create a renewable supply curve. Figure 1 presents CAISO's initial supply curve, prior to the adjustments described below:

[376] Table 4.3 at CAISO Exhibit I-2, 52 presents CAISO's assumed generation-related costs by type and location. Costs presented in this table do not include delivery costs to the CAISO grid.

[377] Table 4.4 at CAISO Exhibit I-2, 52 presents the resource costs by resource area.

[378] CAISO Exhibit I-2, Table 4.5, 54 presents CAISO's assumed transmission costs by resource area.

Figure 1: CAISO's Initial Supply Curve of Potential Renewable Resources To Meet Varying RPS Levels in California[379]



This figure shows that if all of the renewable resources in the supply curve ultimately were developed, resources in the Imperial Valley delivered over Sunrise (labeled "Imperial – Sunrise" on the figure and referred to here as Imperial Valley Sunrise Renewables) would only be cost-effective at an RPS target above 33%. Using CAISO assumptions, San Diego in-area wind and distributed generation biomass projects rank as the most cost-effective resources in this supply curve.[380]

In Phase 1, CAISO modeled three cases: (1) Sunrise is online by 2010; (2) Green Path and the TE/VS project are online by 2010; and (3) the 620 MW

[379] CAISO Exhibit I-2, Figure 4.1, 66.

[380] See CAISO Exhibit I-2, Table 4-3, 52 for a more specific listing of the generation resources.

South Bay Replacement Project is online by 2010.[381] CAISO also developed a combustion turbine reference case assuming 565 MW of capacity on line by 2015 (Reference Case).

CAISO constructed three different resource portfolios specific to the three cases it modeled. CAISO's projected levels of Imperial Valley renewable development both with and without Sunrise are set forth in Table 2 in Section 6.10 above. Based on those projections, all of the cases assume that about 700 MW of Imperial Valley geothermal resources are not transmission-dependent and therefore will be on line by 2010 (labeled "Imperial – Path 42" on the figure above).[382] However, based on the assumption that transmission to the Imperial Valley will increase renewable development in that area, CAISO assumes greater levels of renewable development in the Imperial Valley for the transmission cases starting in 2011.[383] To model this, CAISO "forces" the Imperial Valley Sunrise Renewables to the front of the supply curve despite the higher costs projected for those resources. Because Sunrise is projected to have a higher transfer capability than Green Path, CAISO assumes a higher amount of Imperial Valley Sunrise Renewables in the Sunrise resource portfolio by 2015 (1,800 MW of geothermal and 900 MW of solar thermal) than in the Green Path + LEAPS resource portfolio (1,341 MW of geothermal and 667 MW of solar thermal).[384]

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[381] In Phase 2, CAISO assumes Sunrise is online in 2011, South Bay Replacement Project is online in 2010, and Green Path + TE/VS + LEAPS is online in 2012. CAISO Exhibit I-12, 11.

[382] The cases assume there is adequate capacity on Path 42 between the Imperial Valley and Edison.

[383] See CAISO Exhibit I-12, 9.

[384] CAISO Exhibit I-2, 52, 68-69.

CAISO then adjusts its initial renewable supply curve assumptions by reducing the amount of out-of-state renewables projected to be developed and delivered to California to 50%. Under that assumption, the levelized costs of Imperial Valley Sunrise Renewables ($109/MWh) are higher than the costs of renewables from other areas until 2020, when they appear less expensive than a small amount of renewable resources from British Columbia, resulting in a savings of $5 million per year starting in 2020.[385] However, before 2020, CAISO's estimated costs for Imperial Valley Sunrise Renewables are significantly higher than renewable resources delivered from other areas. In other words, CAISO's modeling shows that Imperial Valley renewables delivered over Sunrise generate significant RPS compliance costs (rather than benefits) if the RPS target is less than 33%.[386]

CAISO later added a second renewable cost scenario assuming lower generation costs for solar thermal and higher costs for wind projects, as discussed in Section 6.13 above.[387] CAISO also adjusted its modeling to assume only 25% (instead of 50%) of out-of-state renewables available to meet RPS.[388] Based on these changes, CAISO estimates Sunrise generates $228 million in RPS compliance savings starting in 2015.

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[385] CAISO Exhibit I-2, 69.

[386] CAISO Exhibit I-2, 67. We see this result in CAISO's Compliance Exhibit, discussed below.

[387] CAISO projects no wind in the Imperial Valley and abundant solar thermal resources. See Table 2, in Section 6.10 above. Thus, CAISO's revised renewable cost assumptions tend to improve the economics of Imperial Valley renewables over other renewable resource areas with wind resources.

[388] CAISO Phase 1 Opening Brief, 32.

10.4. Discussion

CAISO has presented a comprehensive analysis projecting future renewable costs and levels of renewable development throughout the WECC. No other party, including SDG&E, has provided a similar analysis, and we commend CAISO for taking this step, as it has added significantly to the record. We adopt CAISO's RPS compliance savings modeling methodology for this proceeding.

As we discuss above in Section 6.13, we do not adopt CAISO's Alternative Renewable Costs, or its assumption that only 25% of out-of-state renewables will be available to California. Instead, we adopt CAISO's CRS Renewable Costs used in CAISO's initial modeling effort and we assume that 50% of out-of-state renewables will be available to California. Thus, we do not adopt the final results of CAISO's RPS compliance cost modeling. However, our conclusions about RPS compliance savings are virtually the same regardless of whose assumptions we use here.

Under every scenario modeled by CAISO, Sunrise produces no RPS compliance savings under 20% RPS. In fact, it appears that Sunrise generates substantial "negative benefits" or costs. DRA pointed out that CAISO's model for the Compliance Filing did not allow RPS compliance benefits to be less than zero for the 20% RPS cases.[389] Such an assumption is unreasonable. When we remove this modeling limitation, we find that building Sunrise will generate higher RPS compliance costs than the reference case, meaning that Sunrise causes RPS compliance costs or negative benefits under 20% RPS. This result rests on CAISO's assumption that construction of Sunrise encourages development of

[389] DRA Opening Comments on Compliance Exhibit, 6.

higher cost Imperial Valley renewables in lieu of lower cost renewable resources that could be developed elsewhere. Applying our adopted Analytical Baseline assumptions, we conclude that Sunrise will generate $90 million per year in RPS compliance costs at 20% RPS.

We consider these impacts in our analysis of the net benefits of Sunrise.

11. Calculating Net Benefits

As described in the three preceding Sections, parties' estimates of the energy and reliability benefits generated by the Proposed Project and some of its alternatives vary greatly. Only CAISO attempted to estimate RPS compliance savings.[390] We calculate net benefits by adding together the three kinds of benefits already discussed – energy benefits, reliability benefits, and RPS compliance savings - and then subtracting project costs.[391] For a sense of the scope and scale of the resulting net benefit estimates, we calculate net benefits of the Proposed Project and its alternatives relative to a reference case that assumes combustion turbines will be added to meet future reliability needs.

11.1. Overview of Conclusions

Given parties' changing assumptions about combustion turbine costs, renewable costs, capital costs, and other assumptions, their net benefit calculations also changed throughout the proceeding.

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[390] Essentially, SDG&E assumed that the project would not provide any benefits of reducing RPS Compliance costs, since it assumed the same level of renewables in all scenarios.

[391] We estimate each of the three benefits relative to a reference case. Transmission costs of the reference case are accounted for in the cost of new combustion turbines. Thus, we do not subtract Sunrise costs from reference case transmission costs to determine net benefits.

Recognizing these disparities, and in an attempt to bring clarity to this proceeding, the Revised Scoping Memo directed CAISO to prepare a Compliance Exhibit using Analytical Baseline assumptions similar to those we adopt in today's decision.[392] The Compliance Exhibit defines a large set of consistent and reasonable assumptions across scenarios. It then varies assumptions regarding RPS compliance requirements, and renewable and combustion turbine prices, to estimate the net benefits generated by three different alternatives -- the "Enhanced" Northern Route, the Draft EIR/EIS Environmentally Superior Southern Route, and the All-Source Generation Alternative[393] -- relative to a combustion turbine reference case (Reference Case). In summary, the Compliance Exhibit finds no net benefits under any alternative assuming the current 20% RPS. It finds the Draft EIR/EIS Environmentally Superior Southern Route has slightly higher net benefits than SDG&E's "Enhanced" Northern Route Alternative under 33% RPS, and positive net benefits for the non-wires All-Source Generation Alternative only under specific combustion turbine and renewable cost assumptions.

In response to discovered errors and comments by parties, and to analyze the Compliance Exhibit's three alternatives using the Analytical Baseline

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[392] Since the Analytical Baseline assumptions we adopt here were not known when CAISO prepared the Compliance Exhibit, the assumptions in the Compliance Exhibit are not identical to our Analytical Baseline assumptions. We correct for that in an Update, discussed below.

[393] The "Enhanced" Northern Route and Draft EIR/EIS Environmentally Superior Southern Route Alternatives are proxies for all Sunrise transmission routes. They are assumed to generate the same level of gross benefits, and to only vary by capital costs. Consequently, we use the term "Sunrise" here to refer to these cases modeled in the Compliance Exhibit and the Update.

assumptions we adopt here, we have updated the Compliance Exhibit as described in Section 11.4 below.

Based on the results of the Update, and consistent with CAISO's own estimates, we find no economic benefits for ratepayers from Sunrise under 20% RPS and potentially significant costs. Assuming the CAISO's own high combustion turbine costs, combined with the rest of our Analytical Baseline assumptions, the potential costs associated with Sunrise under 20% RPS grow even larger, while the All-Source Generation Alternative generates significant economic benefits. Given the potential for high costs associated with Sunrise, and potential ratepayer benefits from the All-Source Generation Alternative (which is similar to the No Project Alternative), we could end our inquiry now and deny SDG&E's CPCN for Sunrise. However, the EIR/EIS is complete and we continue our analysis of Sunrise to point out the environmental damage that it would cause.

11.2. Parties' Modeling Efforts

SDG&E's net benefit estimates generally have diminished throughout the course of the proceeding. Initially, energy benefits were the primary component of SDG&E's benefit showing, varying from $468 million per year in its 2006 Application to $105 million per year by the end of the Phase 1 hearings, to $52 million per year when compared to a combustion turbine reference case modeled using its own Analytical Baseline assumptions.[394] These variations in energy benefits flow through to SDG&E's showing of net benefits for Sunrise, which vary in similar proportions throughout the proceeding, from $57 million per year in its 2005 Application, to $447 million per year in its 2006 Application,

[394] See note 315, above.

to $142 million per year by the end of Phase 1, and to $41 million when compared to a combustion turbine reference case applying SDG&E's own Analytical Baseline. Table 9 presents SDG&E's changing net benefit estimates for the Proposed Project.[395]

Table 9: SDG&E Estimates of Net Benefits (Annual Levelized $ Millions)

Source	Gross Benefits	Costs	Total Net Benefits	Benefit/Cost Ratio
2005 Application, page V-13	210	153	57	1.37:1
2006 Application, Chapter IV, pages IV-8 to V-9	621	174	447	3.57:1
January 2007 Correction to 2006 Application[396]	259	174	85	1.49:1
July 25, 2007 Errata[397]	298	156	142	1.91:1
Sunrise compared to combustion turbine reference case[398]	201	160	41	1.26:1

Likewise, CAISO's net benefit showing has varied – from $52 to $145 million per year (assuming lower renewable costs) to $226 to $318 million per year (using its Alternative Renewable Costs).[399] In Phase 1 CAISO estimated the net benefits of Sunrise under 33% RPS to range from $52 to $226 million per year.[400] The lower estimates assumed CAISO's CRS Renewable Costs; the higher

[395] The gross benefits in Table 9 apply to Sunrise, regardless of its routing. However, the costs of the various Sunrise routes differ. Therefore, net benefits, which take costs into account, differ by route.

[396] Correction to Amended Application of San Diego Gas & Electric Company, January 19, 2007, pages IV-8 to IV-9; see also SDG&E Exhibit SD-6, pages IV-8 to IV-9.

[397] SDG&E Exhibit SD-26, Exh. J, 6.

[398] SDG&E Exhibit SD-142, 14.

[399] These renewable costs are addressed in Section 6.13 above.

[400] CAISO Phase 1 Opening Brief, 15.

estimates assumed CAISO's Alternative Renewable Costs (higher wind and lower solar thermal costs) and only 25% of out-of-state renewables available to California.

In Phase 2, CAISO concludes that Sunrise under 33% RPS will provide net benefits between $145 million and $318 million per year.[401] CAISO attributes the bulk of this increase from its Phase 1 projected benefits to its changed assumption in Phase 2 of increased combustion turbine costs, which has two opposing effects on net benefits: (1) it increases reliability benefits, thereby increasing net benefits for all alternatives; and (2) it increases the cost of alternatives heavily dependent on combustion turbines, thereby decreasing their net benefits. Table 10 presents CAISO's changing net benefit estimates for the Proposed Project, using CAISO's CRS Renewable Costs and assuming 33% RPS.

[401] CAISO Phase 2 Opening Brief, 13.

Table 10: CAISO Estimates of Net Benefits Under 33% RPS Assuming CRS Renewable Costs (Annual Levelized $ Millions)

Source	Gross Benefits	Costs	Total Net Benefits	Benefit/Cost Ratio[402]
Exhibit SD-5, Appendix I-1 (CAISO South Regional Transmission Plan)[403]	3,241	2,059	1,182	1.57:1
Exhibit I-1, 41 (1/26/07 Testimony, Part I, Phase 1)[404]	250	163	87	1.54:1
CAISO Exhibit I-2, 6 (4/20/07 Second Errata to Testimony, Part II, Phase 1)	241	157	84	1.54:1
CAISO Exhibit I-6, 45 (7/12/07 Errata to Rebuttal Testimony, Phase 1)	209	157	52	1.33:1
Exhibit I-12, 3 (3/12/08 Testimony, Phase 2)	305	182	123	1.68:1
Exhibit I-13, 22 (3/28/08 Rebuttal Testimony Phase 2)	327	183	145	1.79:1

Table 11 below presents CAISO's changing net benefit estimates for the Proposed Project, using CAISO's Alternative Renewable Costs and assuming 33% RPS.

[402] Benefit/Cost Ratios = Gross Benefits/Costs.

[403] Benefits and costs are NPV 2010$.

[404] Benefits are 2015 nominal dollars and costs are levelized costs of transmission.

Table 11: CAISO Estimates of Net Benefits Under 33% RPS Assuming CAISO's Alternative Renewable Costs (Annual Levelized $ Millions)

Source	Gross Benefits	Costs	Total Net Benefits	Benefit/Cost Ratio[405]
CAISO Exhibit I-6, 46 (7/12/07 Errata to Rebuttal Testimony, Phase 1)	383	157	226	2.44:1
Exhibit I-12, 3 (3/12/08 Testimony, Phase 2)	473	182	291	2.60:1
Exhibit I-13, 22 (3/28/08 Rebuttal Testimony Phase 2)	500	183	318	2.73:1

Except for SDG&E and CAISO, parties generally argue that Sunrise will generate little or no net benefits, and may even result in net costs to ratepayers. UCAN claims that SDG&E overstates the benefits of Sunrise, understates its costs, and overstates the costs of the baseline combustion turbine case. In Phase 1, UCAN projected Sunrise would cost ratepayers $81 million per year more than its combustion turbine reference case.[406] In Phase 2, UCAN projects Sunrise will cost ratepayers $74 million per year more than its combustion turbine reference case and "up to" $120 million per year more that other alternatives.[407] In contrast, UCAN estimates positive net benefits for its own all-source generation alternative. UCAN provides no net benefit estimates for other alternatives.

Similarly, in Phase 1, DRA estimated that Sunrise would cost $37.8 million per year more than the combustion turbine reference case, resulting in a benefit-

[405] Benefit/Cost Ratios = Gross Benefits / Costs.

[406] UCAN Phase 1 Opening Brief, 302.

[407] UCAN Phase 2 Opening Brief, 4.

cost ratio of 0.76:1.[408] In Phase 2 DRA claims that "despite [SDG&E's] ongoing adoption of many corrections suggested by intervenors," SDG&E's economic case is still "deeply flawed," and that correcting additional deficiencies will reduce the benefit cost ratio to below one.[409]

Not all parties have estimated net benefit or benefit-cost ratios for the Proposed Project and its alternatives and parties that developed estimates did not calculate the net benefits of all alternatives. To demonstrate the disparities among the parties' calculations, Table B-3 in Appendix B presents the parties' final net benefit and/or benefit-cost ratios for the Proposed Project and its alternatives. Among other things, Table B-3 shows:

- The change in net benefits between the TE/VS + Green Path and the Sunrise + TE/VS + Green Path cases estimates a decrease in benefits if Sunrise is added after TE/VS and Green Path are built, such that Sunrise provides no incremental benefits;
- Southern Route Alternatives generally provide larger net benefits than Northern Route Alternatives;
- There is an enormous disparity in parties' estimated net benefits for TE/VS and LEAPS; and
- Only DRA provided a range of net benefits, even though SDG&E was required to provide sensitivity analysis.

11.3. CAISO's Compliance Exhibit

11.3.1. Overview

The Revised Scoping Memo directed CAISO to prepare a Compliance Exhibit consisting of additional model runs that employ a set of assumptions specified in the Revised Scoping Memo. CAISO proposed modifications to these

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[408] DRA Phase 1 Opening Brief, 74.

[409] DRA Phase 2 Opening Brief, 8.

assumptions, and the final assumptions that CAISO modeled are set forth in Table B-1 in Appendix B.

For the most part, the assumptions used in the Compliance Exhibit are consistent with the Analytical Baseline assumptions adopted here. The Revised Scoping Memo directed that where it did not specify assumptions, CAISO should use its preferred modeling assumptions from Phase 2 of this proceeding.[410] The Revised Scoping Memo ordered CAISO to evaluate the operational grid impacts of each alternative and to estimate for each alternative its energy benefits, reliability benefits, and RPS compliance savings. Where CAISO determined that specific alternatives were equivalent, it did not perform separate analyses.

In August 2008, CAISO prepared a draft Compliance Exhibit, including preliminary estimates of net benefits. The draft was the subject of a workshop on August 22, 2008, where parties also discussed CAISO's methodology. Based on comments received from parties, CAISO revised its draft and served the Compliance Exhibit on August 26, 2008.[411]

The Compliance Exhibit estimates net benefits for 13 cases,[412] based on three alternatives:

- A combustion turbine reference case;
- SDG&E's "Enhanced" Northern Route;

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[410] Revised Scoping Memo, 2.

[411] Consistent with the Revised Scoping Memo, the Compliance Exhibit, including its Work Papers, has been received in evidence as Exhibit Compliance-1. It is the only compliance exhibit in the record.

[412] Net benefits for each case are estimated relative to the three combustion turbine Reference Cases, Cases 1, 5, and 10.

- The Draft EIR/EIS Environmentally Superior Southern Route; and
- The All-Source Generation Alternative.

Cases 2-4 in the Compliance Exhibit present net benefits for each alternative under 20% RPS. Cases 6-8 present net benefits under 33% RPS. All of these cases assume the CAISO's lower Phase 1 combustion turbine costs. Case 9 presents net benefits assuming Sunrise comes online in 2011, rather than 2012, as assumed for all the other cases.[413] CAISO added cases 11-13, which estimate net benefits under 33% RPS using the higher combustion turbine costs it assumes in Phase 2. CAISO used SDG&E's estimated capital costs for the alternatives, consistent with our adopted Analytical Baseline assumptions. However, to provide a range of renewable resource costs for the All-Source Generation Alternative,[414] CAISO also ran Cases 4b, 8b, and 13b using its CRS Renewable Costs, consistent with our adopted Analytical Baseline assumptions.

To calculate gross benefits for each alternative under the new assumptions, CAISO needed to calculate energy benefits, reliability benefits, and RPS compliance savings for each case relative to a reference case. However, CAISO declined to perform new GridView runs using the assumptions in the Revised Scoping Memo – which are necessary to estimate energy benefits – given time constraints and data development difficulties. Evidence in the record at that point suggested that, on balance, energy benefit calculations using the Revised Scoping Memo assumptions would result in energy benefit estimates of less than

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[413] For the reasons discussed in Section 15.5, the Compliance Exhibit and our Update assume that SDG&E's Enhanced Northern Route will come online in 2012, rather than in 2011, as assumed by SDG&E and CAISO. SDG&E Phase 2 Opening Brief, 281; CAISO Phase 2 Reply Brief, 33.

[414] The cost of the transmission alternatives are not impacted by renewable costs.

$34 million per year, a small number compared to the value of other benefits at issue. Thus, instead of running production cost models to calculate energy benefits, CAISO estimated energy benefits using results from prior production cost modeling.[415]

CAISO calculated reliability benefits and RPS compliance savings — the first and second most significant benefits on a dollar basis — using its own spreadsheet models, which were made available to parties.

CAISO presented load and resource tables to support the Compliance Exhibit. These tables show that there is no need for additional in-area generating capacity until 2014 at the earliest,[416] primarily due to the assumptions that the existing South Bay Power Plant will stay on line through 2012 and that the Carlsbad Energy Center (which replaces Units 1-3 at the Encina Power Plant) will come on line before Summer 2013.

Table 5 in Section 7, above summarizes by year the Compliance Exhibit findings we adopt regarding the reliability need in SDG&E's service area.

The 13 cases (plus the 3 cases using CAISO's CRS Renewable Costs) modeled by CAISO and their estimated net benefits are set forth in Table 12 below. The Compliance Exhibit shows:

- Under 20% RPS, all of the generation and transmission alternatives are more expensive than the combustion turbine reference case, assuming the lower Phase 1 combustion turbine costs (Cases 2 through 4b);
- Under 33% RPS assuming the lower Phase 1 combustion turbine costs, the "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route

[415] CAISO provided parties with work papers describing its approach and parties were given the opportunity to comment on the approach.

[416] Compliance Exhibit, 6-8.

Alternatives have positive net benefits of $22 and $25 million per year, respectively (Cases 6 and 7). The Southern Route has higher net benefits because of its lower projected capital costs;

- Under 33% RPS assuming the substantially higher Phase 2 combustion turbine costs, the projected net benefits of the "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route Alternatives are 5 to 6 times greater (at $129 and $132 million per year, respectively) than estimates under the lower Phase 1 combustion turbine costs (Cases 11 and 12 compared to Cases 6 and 7);
- Under all RPS scenarios and combustion turbine cost assumptions, the All-Source Generation Alternative is not economic using SDG&E's proposed renewable costs (Cases 4, 8, and 13);
- Assuming CAISO's CRS Renewable Costs, the lower Phase 1 combustion turbine costs, and 33% RPS, CAISO estimates that the All-Source Generation Alternative produces net costs of $3 million per year (Case 8b);
- Assuming CAISO's CRS Renewable Costs, the higher Phase 2 combustion turbine costs, and 33% RPS, CAISO estimates that the All-Source Generation Alternative produces net benefits of $49 million per year (Case 13b); and
- Delaying the on line date of the "Enhanced" Northern Route from 2011 to 2012 increases the net benefits of that alternative by $2 million per year (compare $22 million per year in Case 6 assuming a 2012 on line date to $20 million per year in Case 9 assuming at 2011 on line date).[417]

[417] This is consistent with CAISO's results from Phase 1, which showed that 2010 was not the optimal online date for Sunrise.

Table 12: Summary of CAISO Compliance Exhibit (Annual Levelized $ Millions)

Case #	Name	RPS	CT Costs	Other Variation	Net Benefits Relative to Reference Case ($ million)
1	Combustion Turbine Reference Case	20%	Phase 1[418]		N/A
2	SDG&E's Enhanced Northern Route	20%	Phase 1		-57
3	Draft EIR/EIS Environmentally Superior Southern Route	20%	Phase 1		-54
4	All Source Generation Alternative	20%	Phase 1	SDG&E RPS Costs	-125
4b	All Source Generation Alternative	20%	Phase 1	CRS RPS Costs	-33
5	Combustion Turbine Reference Case	33%	Phase 1		N/A
6	SDG&E's Enhanced Northern Route	33%	Phase 1		22
7	Draft EIR/EIS Environmentally Superior Southern Route	33%	Phase 1		25
8	All Source Generation Alternative	33%	Phase 1	SDG&E RPS Costs	-94
8b	All Source Generation Alternative	33%	Phase 1	CRS RPS Costs	-3
9	SDG&E's Enhanced Northern Route	33%	Phase 1	On Line 2011; 2012 for all other cases	20
10	Combustion Turbine Reference Case	33%	Phase 2		N/A
11	SDG&E's Enhanced Northern Route	33%	Phase 2		129

[418] In Phase 1 the CAISO estimated combustion turbine costs at $78/kW-year. In Phase 2 the CAISO revised this estimate to $162.10/kW-year (both 2007$, escalated at 2% per year).

12	Draft EIR/EIS Environmentally Superior Southern Route	33%	Phase 2		132
13	All Source Generation Alternative	33%	Phase 2	SDG&E RPS Costs	-42
13b	All Source Generation Alternative	33%	Phase 2	CRS RPS Costs	49

Production cost modeling for the Compliance Exhibit would have given us a better understanding of the impact of our decision to assume only 25% of the coal fired generation projected to be built in the WECC. In the absence of such modeling, we must accept CAISO's estimates of energy benefits based on prior production cost modeling results. This approach results in estimated Sunrise energy benefits of $5 million per year for 20% RPS cases and $18 million per year for 33% RPS cases. CAISO assumed the All-Source Generation Alternative would provide no energy benefits.

Several parties filed comments on the Compliance Exhibit. UCAN observes that if the California Solar Initiative program is forecasted to be a success, solar PV costs under the program should not be included as incremental costs in the cost of the All-Source Generation alternatives because such costs have already been included in the costs of the California Solar Initiative program.[419] In addition, CAISO recognized that it did not revise Sunrise costs to include the UCAN operations and maintenance estimates, which we adopt in our Analytical Baseline assumptions.

11.3.2. Discussion

Notwithstanding its errors, the Compliance Exhibit, which applies many of the Analytical Baseline assumptions we adopt here, provides insight into how

[419] UCAN Comments on Compliance Exhibit, 9.

changes in RPS compliance requirements, and renewable and combustion turbine prices, influence the net benefits of Sunrise and the All-Source Generation Alternative, compared to the Reference Case. The Compliance Exhibit demonstrates that none of the alternatives are economic under 20% RPS. It also tends to demonstrate that the economic benefits of both transmission and generation alternatives are not very large under lower combustion turbine costs, but are very large assuming higher combustion turbine costs.

The Compliance Exhibit also provides insight into the role of energy benefits in the net benefits calculation, and reveals that even the 33% RPS case is not guaranteed to produce ratepayer benefits assuming CAISO's Phase 1 combustion turbine costs. Energy benefits are the smallest of the three benefits quantified by CAISO. However, the fact that the energy benefits are small relative to reliability benefits and RPS compliance savings does not mean that the estimation of energy benefits does not have an impact on the net benefits of the alternatives reviewed in the Compliance Exhibit. The Compliance Exhibit shows that if energy benefits were to drop from $18 million per year to zero -- if the "Enhanced" Northern Route or Draft EIR/EIS Environmentally Superior Southern Route did nothing to reduce energy costs relative to the Reference Cases -- then the net benefits associated with Sunrise under 33% RPS would be negligible ($4 million, $7 million, and $2 million for cases 6, 7, and 9, respectively).[420] Given the uncertainty associated with other components of the net energy benefits calculation, this low level of net benefits leaves little room for error. An increase in the costs of the "Enhanced" Northern Route or the Draft EIR/EIS Environmentally Superior Southern Route could easily reduce net

[420] In the higher combustion turbine cost cases, the "wires" cases still have over $110 million per year in levelized net benefits.

benefits to below zero and produce net costs, even in the 33% RPS cases, assuming CAISO's Phase 1 combustion turbine costs.

11.4. The Commission's Update to the Compliance Exhibit

11.4.1. Overview

We have applied all of our Analytical Baseline assumptions adopted in this decision to prepare an Update to the Compliance Exhibit (Update). Our Update makes two other changes to the Compliance Exhibit. First, CAISO used the wrong mix of generation resources for the All-Source Generation cases (Cases 5, 5b, 8, 8b, 13, and 13b), overstating the amount of renewables in that case. CAISO inadvertently assumed 300 MW of solar thermal, 400 MW of wind, 100 MW of biomass/biogas, and 210 MW of solar PV by 2016, which is the total amount of renewables specified in the EIR/EIS for the In-Area Renewable Alternative.[421] We correct this error in the Update, assuming 200 MW of wind, 50 MW of biomass/biogas, and 210 MW of solar PV by 2016, as specified for the All-Source Generation Alternative.[422]

Second, we agree in part with UCAN's observation that the solar PV costs associated with the 105 MW (firm capacity) due to the California Solar Initiative are not incremental to the Reference Case and, as a result, should not be included in the cost estimates of the All-Source Generation Alternative. However, instead of deducting all of the solar PV costs, we assume that by 2016 approximately 37 MW (firm capacity) of the solar PV capacity added as part of the All-Source Generation Alternative will be provided under the California Solar Initiative and

[421] No party noted this error in the Draft Compliance Exhibit workshop or in their Compliance Exhibit comments.

[422] All capacity values are nameplate.

therefore those costs are not attributable to the All-Source Generation Alternative.[423] Both of these changes result in lower cost estimates for the All-Source Generation Alternative.

In summary, our Update makes the following changes to the Compliance Exhibit:

- We adjust the amount of in-area renewables in the All-Source Generation Alternative, thereby changing the distribution of renewables throughout the WECC, consistent with CAISO's assumed supply curves;
- We subtract $367 million per year from the assumed capital cost of the All-Source Generation Alternatives in each scenario to address the 37 MW of solar PV already assumed to be paid for through the California Solar Initiative program;[424]
- We assume combustion turbine costs to be $120/kW-year (2007$, escalated at 2% per year) with a transmission cost adder of 35.2% for new combustion turbines; and
- We add $22.4 million per year to the assumed costs of SDG&E's "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route to raise the CAISO's assumed operating and maintenance costs of $3.9 million to our adopted Analytical Baseline assumption of $26.3 million per year.[425]

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[423] In 2016, our adopted Analytical Baseline assumes 33 MW (firm) of solar PV. However, as discussed in note 89 above, SDG&E assumes that SDG&E's firm capacity under the California Solar Initiative will be between 70 MW and 150 MW. We conservatively assume that SDG&E's installed capacity will be 70 MW under the California Solar Initiative, meaning that the costs of 37 MW (70 MW – 33 MW) beyond our Analytical Baseline should not be attributable to the All-Source Generation Alternative.

[424] We assume CAISO's CRS Renewable Costs for solar PV. Assuming SDG&E's estimated solar PV costs, we would subtract $776 million from the cost of the All-Source Generation Alternative.

[425] CAISO Reply Comments on Compliance Exhibit, 8-9.

The Update generates the following results:

Table 13: Commission Update to Compliance Exhibit (Annual Levelized $ Million)

Case #	Name	RPS	Variations in Assumptions	CT Costs - Compliance Exhibit	CAISO Compliance Exhibit Net Benefits	CT Costs - CPUC Update	CPUC Update Net Benefits
1	Combustion Turbine Reference Case	20%		Phase 1		Average of Phase 1 and 2	
2	SDG&E's Enhanced Northern Route	20%		Phase 1	-57	Average of Phase 1 and 2	-26
3	Draft EIR/EIS Environmentally Superior Southern Route	20%		Phase 1	-54	Average of Phase 1 and 2	-23
4	All Source Generation Alternative	20%	SDG&E RPS Costs	Phase 1	-125	Average of Phase 1 and 2	-3
4b	All Source Generation Alternative	20%	CRS RPS Costs	Phase 1	-33	Average of Phase 1 and 2	34
5	Combustion Turbine Reference Case	33%		Phase 1		Average of Phase 1 and 2	
6	SDG&E's Enhanced Northern Route	33%		Phase 1	22	Average of Phase 1 and 2	53
7	Draft EIR/EIS Environmentally Superior Southern Route	33%		Phase 1	25	Average of Phase 1 and 2	56
8	All Source Generation Alternative	33%	SDG&E RPS Costs	Phase 1	-94	Average of Phase 1 and 2	11
8b	All Source Generation Alternative	33%	CRS RPS Costs	Phase 1	-3	Average of Phase 1 and 2	48
10	Combustion Turbine Reference Case	33%		Phase 2		Phase 2	
11	SDG&E's Enhanced Northern Route	33%		Phase 2	129	Phase 2	107

12	Draft EIR/EIS Environmentally Superior Southern Route	33%		Phase 2	132	Phase 2	110
13	All Source Generation Alternative	33%	SDG&E RPS Costs	Phase 2	-42	Phase 2	36
13b	All Source Generation Alternative	33%	CRS RPS Costs	Phase 2	49	Phase 2	74

11.4.2. Discussion

The Update reinforces the preliminary findings in the Compliance Exhibit. The Update demonstrates that under 20% RPS, Sunrise will cost ratepayers any where from $23 million to $26 million per year, depending upon the future costs of combustion turbines and renewable resources. The All-Source Generation Alternative is a superior option to Sunrise assuming 20% RPS, regardless of the assumed cost of combustion turbines and regardless of whether we assume SDG&E's renewable costs or CAISO's CRS Renewable Costs. Relative to Sunrise, the All-Source Generation Alternative provides ratepayers with between $20 million and $60 million per year of net benefits.[426]

In the 33% RPS case with our adopted combustion turbine costs, there is essentially no difference in the annual levelized net benefits between the "Enhanced" Northern Route, the Draft EIR/EIS Environmentally Superior Southern Route, and the All-Source Generation Alternative using CAISO's CRS Renewable Costs. This lack of difference is especially so given the range of uncertainty in the assumptions. Only assuming higher combustion turbine costs and 33% RPS does Sunrise begin to show significantly more economic benefits than the All-Source Generation Alternative.

[426] To understand the relative benefits between the All-Source Generation Alternative and Sunrise, we deduct Sunrise's estimated net costs from the net benefits estimated for the All-Source Generation Alternative: $20 million = -$3 million – (-$23 million); $60 million = $34 million – (-$26 million).

The case for the All-Source Generation Alternative is even better assuming 20% RPS and the CAISO's Phase 2 combustion turbine costs. As Table 14 below demonstrates, the All-Source Generation Alternative generates ratepayer benefits of $60 million per year, nearly double the benefits of either the "Enhanced" Northern Route or the Draft EIR/EIS Environmentally Superior Southern Route. If we adjust for the $90 million in RPS compliance costs generated by the "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route under 20% RPS, they result in costs of nearly $60 million each.

Table 14: Commission Update to Compliance Exhibit Assuming 20% RPS and CAISO's Phase 2 Combustion Turbine Costs (Annual Levelized $ Million)

Case	CAISO CRS Renewable Costs	CAISO CRS Renewable Costs and RPS Compliance Costs
SDG&E's Enhanced Northern Route	$28	($62)
Draft EIR/EIS Environmentally Superior Southern Route	$31	($59)
All Source Generation Alternative	$60	$60

CAISO's modeling, the Compliance Exhibit, and our Update all confirm that Sunrise is not economic under 20% RPS. Absent a move to a substantially higher RPS, there is no case to support Sunrise. As outlined above, in addition to the economic modeling, there are substantial unquantifiable risks presented by Sunrise, and substantial unquantifiable benefits from the All-Source Generation. Section 9.3.4 below discusses the increased fire risks posed by transmission lines in Southern California and the additional risk of outage to that region. South Bay's observations about the reliability benefits of generation, discussed in

Section 6 above, accurately capture the benefits of having more generation in SDG&E's service area. As the In-Area Renewables discussions in Section 15 explains, there is significant renewable potential in SDG&E's service area, and CAISO modeling suggests that it is the most economic renewable resource available to SDG&E. Finally, as set forth in Section 14 below, there is the possibility that Sunrise's construction-related carbon dioxide (CO_2) emissions will not be offset by the generation flowing over the line, particularly under 20% RPS. For all of these reasons, we conclude that Sunrise is not needed, and if constructed under today's 20% RPS would likely generate significant ratepayer costs.

12. Sunrise's Role in Meeting RPS

California's RPS law requires SDG&E to meet 20% of its retail sales with renewable resources by 2010.[427] SDG&E claims that it cannot meet its RPS economically without Sunrise, which raises the question whether SDG&E's RPS compliance is dependent upon Sunrise and, if it is, whether that dependence is necessary or appropriate.

California's RPS may increase in the coming years to address the need to reduce GHG emissions. The Second Energy Action Plan calls for the Commission and the Energy Commission to work together to evaluate the potential for producing 33% of the power delivered in California from renewables.[428] Additionally, our recent GHG decision[429] making recommendations to the California Air Resources Board on its Draft Assembly

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[427] See note 3, above.

[428] Energy Action Plan II, September 21, 2005, page 6, Key Action #5.

[429] *Greenhouse Gas Regulatory Strategies.*

Bill 32 Scoping Plan[430] commits this Commission to achieving 33% RPS, assuming certain safeguards.

12.1. Overview of Conclusions

We find, based primarily on the economic modeling performed in this proceeding, that Sunrise is not necessary for SDG&E to meet its 2010 RPS and therefore cannot be justified pursuant to § 399.25, which currently only applies under 20% RPS.

As described below, the evidence strongly suggests that SDG&E has chosen to pursue an RPS procurement policy dependent upon a Sunrise transmission solution, rather than contract with other cost-effective RPS options.

12.2. SDG&E's Position

SDG&E's argument that Sunrise is necessary to meet 20% RPS has taken different forms throughout the proceeding. In Phase 1 SDG&E acknowledged that Imperial Valley renewables could be delivered on the Southwest Powerlink. However, SDG&E argued that Sunrise was needed for economic reasons because using the Southwest Powerlink to transport Imperial Valley renewables would displace large amounts of low cost power flowing over that line.[431]

At other times, SDG&E has argued that it needs Sunrise to meet 20% RPS because it has signed contracts with renewable resources located in or near the Imperial Valley, implying that is has an RPS obligation to deliver those resources

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[430] Climate Change Draft Scoping Plan, a framework for change, June 2008 Discussion Draft Pursuant to Assembly Bill 32 the California Global Warming Solutions Act of 2006 Prepared by the California Air Resources Board for the State of California, June 26, 2008, available at http://www.arb.ca.gov/cc/scopingplan/document/draftscopingplan.pdf. The Air Resources Board released its Proposed Scoping Plan on October 15, 2008 and it is available at http://www.arb.ca.gov/cc/scopingplan/document/psp.pdf.

[431] SDG&E Exhibit SD-26, 64-65.

to its service area.[432] Alternatively, SDG&E has argued that it needs Sunrise to meet future, increased RPS requirements.[433]

The record does not support SDG&E's claim that Sunrise is needed to enable SDG&E to engage in cost-effective RPS procurement. CAISO's own analysis of RPS compliance savings generated by Imperial Valley renewables shows that these renewables are not economic except at 33% RPS. Since Imperial Valley renewables are not economic at 20% RPS, they cannot be relied upon to justify the construction of a transmission line to meet 20% RPS.

Moreover, though SDG&E has implied that RPS compliance requires the delivery of renewables to its service area, any renewable generation delivered to the CAISO grid to serve retail customers counts towards the purchasing utility's RPS compliance.[434] There is no requirement that RPS generation be delivered to the purchasing utility's service area. Thus, SDG&E is not obliged to obtain renewables from the Imperial Valley.

With regard to SDG&E's implication that Sunrise is needed to meet 33% RPS, existing law only establishes 20% RPS and we have recognized that this Commission has no ability to require utilities to exceed that 20% RPS.[435] Further, while SDG&E could commit to a higher RPS target on its own, SDG&E has not yet done so.[436]

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[432] RT 3185: 10-18.

[433] RT 97.

[434] Energy Commission-300-2006-007-F, Renewables Portfolio Standard Eligibility Guidebook, 20. See also D.05-07-039 and D.06-05-039.

[435] D.08-03-018, 35-36 ["The Public Utilities Commission is prohibited by statute (SB 107 enacted in 2006) from requiring that IOUs obtain more than 20% of their power from renewables."]

[436] RT 3246.

12.3. SDG&E's RPS Compliance to Date

SDG&E's estimates of what it still needs to meet 20% RPS by 2010 have varied throughout this proceeding and it is difficult to determine what, in fact, will be required. SDG&E's Exhibit SD-26 states that based on forecast retail energy sales in 2009 of 22,400 GWh within the San Diego area, SDG&E must obtain about 4,500 GWh of renewable energy to meet its 2010 RPS goals.[437]

This estimate is significantly higher (by more than 1,000 GWh) than other estimates SDG&E has provided in this proceeding. SDG&E's Exhibit SD-5 states "[i]n order to achieve a 20% renewable generation mix by 2010 based on a 2009 forecast bundled customer retail sales benchmark of 17,418 GWh, SDG&E must obtain approximately 3,484 GWh of renewable energy."[438] This estimate is also included in CAISO's Southern Region Transmission Plan report, which the CAISO Board relied upon to approve Sunrise.[439]

It appears that the higher RPS target in SDG&E Exhibit SD-26 represents all retail load in the San Diego area, (including load served by other entities such as Direct Access suppliers), while the estimate in SDG&E Exhibit SD-5 is for SDG&E's bundled service customers. SDG&E has no obligation to meet 20% RPS for customers who do not receive commodity electric service from the utility. Thus, the numbers in SDG&E Exhibit SD-26 are inflated. On the other hand, the sales forecast presented in SDG&E Exhibit SD-5 may be inaccurate due to the passage of time, since it likely was developed in 2005. Consequently, we do not

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[437] SDG&E Exhibit SD-26, 64. With an assumed 33% RPS, SDG&E estimates that it will need to procure about 8,300 GWh in 2020 (assuming retail sales within the San Diego area of approximately 25,000 GWh in 2019).

[438] SDG&E Exhibit SD-5, III-9. SDG&E states that it developed this forecast in accordance with the methodology established in D.04-06-014.

[439] SDG&E Exhibit SD-5, Appendix I-1, 66.

have an accurate picture in this proceeding of how many GWh of renewable resources SDG&E needs to procure to meet its 2010 RPS.[440]

Despite the absence of an accurate forecast of SDG&E's need for renewable resources, an overview of SDG&E's RPS procurement efforts sheds light on the role of Imperial Valley renewables in SDG&E's RPS portfolio. In summary, evidence from Phase 2 of this proceeding establishes that by the first half of 2008[441] SDG&E had signed contracts for 661 MW of renewables deliverable by 2010 and for 1,212 MW deliverable by 2015.[442] Of the projects deliverable by 2010, 232 MW are online, none are under construction, and 428 MW are still in development.[443] The renewables deliverable by 2010 include 48 MW located in SDG&E's service territory, 162 MW located in-state, north of SONGS, and 450 MW in the Imperial Valley, Mexico, or other locations to the east or south of SDG&E's service area.[444] Thus, that evidence shows that Imperial Valley renewables represent 68% of the MW under contract to meet SDG&E's 2010 RPS.

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[440] Similarly, the estimates provided by SDG&E under a 33% scenario are overstated and cannot be relied upon.

[441] RPS compliance is an on-going process and contracts continue to be submitted for Commission review. We limit our discussion here to the record in this proceeding.

[442] SDG&E Exhibit SD-134. Confidential information regarding SDG&E's RPS procurement process (including project-specific RFO responses) is contained in SDG&E Exhibit SD-133c, which was made available to certain active parties. Phase 2 hearings on SDG&E's RPS procurement focused on the publicly available information contained in the redacted but otherwise identical exhibit, SDG&E Exhibit SD-134. The discussion in this decision is limited to that public information, or to conclusions that can be drawn from SDG&E Exhibit SD-133c without revealing specific, disaggregated, confidential data.

[443] Because of rounding, numbers may not add up precisely.

[444] SDG&E Exhibit SD-134.

SDG&E has identified almost all of these resources as Sunrise-dependent.[445] Further, 300 MW of the 450 Imperial Valley MW slated for 2010 compliance are tied to a single contract with Stirling Energy Systems. The Stirling contract also comprises 600 MW of the 1,212 MW, contracted for delivery by 2015 in two 300 MW installments.[446]

SDG&E testified that SDG&E was not getting bids from anywhere but the Imperial Valley.[447] However, other evidence contradicts that claim. In fact, SDG&E has received many bids from potential projects located north of SONGS, comprising almost 50% of all bids received (88 out of 190). Even more significantly, these projects comprise approximately 60% of all the capacity offered to SDG&E (7,404 MW out of 12,325 MW for delivery in 2010).[448] In fact, in its last two solicitations (2006 and 2007), SDG&E received nearly as many bids from projects north of SONGS as it did from all of the proposals the Imperial Valley, Mexico, and other locations that would connect to the Southwest Powerlink combined (29 and 33 bids, respectively for a total of 3,276 and 4,641 MW proposed for delivery in 2015). SDG&E testified to the numerous

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[445] See SDG&E Phase 1 Reply Brief, 29. SDG&E asserts that almost 60% of its 2010 RPS energy goals are contingent on Sunrise.

[446] The Stirling Energy System contracts dwarf SDG&E's other Imperial Valley contracts, which include the Bethel solar thermal projects (two 49.5 MW solar thermal projects), and the Esmeralda geothermal projects (two 20 MW geothermal projects). At the time of Phase 2 hearings, Stirling's developers had not submitted their siting applications to the Energy Commission. RT 3237. SDG&E was unable to predict when it would receive power from either Stirling or the Bethel projects. RT 3239-3240.

[447] RT 3186: 25-27 ("…we're not getting bids from anywhere else other than Imperial County.")

[448] SDG&E Exhibit SD-134.

expressions of interest SDG&E has received from sellers north of SONGS.[449] In addition, SDG&E's latest Transmission Ranking Cost Report, which presents information on potential renewable projects (based on information provided by project developers), shows 1,752 MW of potential new projects located north of SONGS.[450]

In fact, SDG&E has placed more than enough in-state, north of SONGS projects on the short list[451] to fulfill its entire RPS obligation through 2010. Nevertheless, SDG&E short-listed more projects, and signed a larger percentage of short-listed projects from the Imperial Valley than from projects north of SONGS. In 2005, SDG&E received 11 more bids from north of SONGS than from the Imperial Valley (15 versus 4) for more capacity deliverable in 2010 (1,486 MW versus 370 MW). However, SDG&E signed contracts with three 2005 bidders from the Imperial Valley but signed only one contract with a 2005 bidder from north of SONGS.

SDG&E points out that in 2007 it received only a few bids for projects north of SONGS. However, SDG&E's testimony about continued interest from developers north of SONGS potentially suggests a developer preference for bilateral contracts rather than participation in formal RFO solicitations.[452]

SDG&E claims to be reconsidering this apparent preference for Imperial Valley renewables. SDG&E's RPS procurement witness stated: "I believe that the

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[449] "Expressions of interest" are proposals from developers to execute a bilateral Power Purchase Agreement in lieu of participation on a formal solicitation.

[450] UCAN Exhibit U-91, 13.

[451] A short list represents generator bids that have met specific criteria to be moved into the negotiation phase. Short listed bids generally meet some level of viability, conform to the RFO requirements, and have acceptable price terms. See D.06-05-039, 44-46.

[452] RT 5653-5655.

next three or four advice letters that I will file with the Commission for approval of contracts will be -- in the north of SONGS categories in this matrix."[453] In fact, on June 4, 2008, SDG&E submitted Advice Letter 1997-E requesting Commission approval of two contracts to procure a total of 210 MW from Montana wind facilities. One facility (106.5 MW) is currently under construction and projected to be operational in 2008 or 2009, while the other project is in final engineering. If these projects come online by 2010, both contracts will contribute toward meeting SDG&E's 2010 RPS.[454]

12.4. Discussion

Even under CAISO's assumptions, which we do not adopt, the economic modeling in this case shows that Sunrise will not facilitate the economic delivery of Imperial Valley renewables under 20% RPS. CAISO's modeling shows that Imperial Valley renewables do not generate RPS compliance savings until 33% RPS is in place. We conclude from this modeling that Sunrise is not necessary for SDG&E to meet its 2010 RPS, and thus is not justified under § 399.25. CAISO's modeling, in addition to SDG&E's own procurement results, show that SDG&E has other cost-effective RPS procurement options that are not Sunrise-dependent.

13. Uncertainty Analysis

As the net benefits discussion in Section 11 reflects, there is a tremendous amount of uncertainty regarding conclusions reached by the models used in this case. Given the inherent uncertainty in all modeling efforts, we specifically addressed this issue in our *Economic Methodology Decision*, and we expressly

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[453] RT 5654.

[454] Resolution E-4192 (Oct. 2, 2008) (approving Montana wind contracts submitted in AL 1997-E). If SDG&E's estimates from SDG&E Exhibit SD-5 are correct, then these two contracts will provide about 635 GWh per year out of SDG&E's overall RPS of 3,484 GWh for 2010, or slightly more than 20% of SDG&E's 2010 RPS.

required in that decision that economic analyses presented for the Commission's consideration include uncertainty analyses. Attachment A to that decision sets specific minimum requirements for those uncertainty analyses.[455]

Because of the significant role uncertainty might play in the modeling of economic benefits related to Sunrise, the Scoping Memo reiterated SDG&E's obligation to perform such an analysis, consistent with the requirements of the *Economic Methodology Decision*.[456] However, though SDG&E included an uncertainty analysis with the 2005 Application, it did not perform an uncertainty analysis for the 2006 Application, or any of the updates that followed, contending instead that the uncertainty analysis in the 2005 Application suffices.[457] SDG&E also contends that CAISO's RPS compliance savings analysis meets the requirement.[458] Finally, SDG&E argues that it has addressed risks through the many analyses it conducted responding to requests from intervenors.[459]

DRA asserts that any conclusions that can be drawn from the scenarios modeled in the 2005 Application are highly suspect given the major changes SDG&E has made to its case since 2005, including the "top-to-bottom" review that caused an interruption of Phase 1 hearings in July, 2007.[460] UCAN concurs,

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[455] *Economic Methodology Decision,* Attachment A, 5.

[456] Scoping Memo, 15-16.

[457] SDG&E Phase 1 Opening Brief, 167-168.

[458] SDG&E Phase 1 Opening Brief, 169-173.

[459] SDG&E Phase 1 Opening Brief, 174.

[460] DRA Phase 1 Opening Brief, 78.

characterizing the data underlying the 2005 Application as "hopelessly flawed."[461]

SDG&E counters that the changes in its analysis since 2005 are not so substantial as to necessitate updating the risk analysis and that "[w]hat should be clear from this exhaustive record and the level of study undertaken by SDG&E and CAISO under numerous scenarios and for many data requests, is that risk and uncertainty are fully bracketed by these studies."[462]

CAISO has not performed an uncertainty analysis either, even though its TEAM Methodology requires one, and even though it performed one for its CAISO South Regional Transmission Plan report presented to its Governing Board for approval of Sunrise.[463] In sum, both SDG&E and CAISO claim that their various economic analyses take uncertainty into account, either through conservative assumptions, or through the shear volume of modeling and the number of alternatives considered.[464]

DRA has provided several sets of uncertainty analyses. It provided ranges for reliability, energy, and RPS compliance benefits as well as estimated net benefits for Sunrise.[465] Even though DRA did not present its own model, we commend its efforts to at least identify the range of uncertainty in Sunrise benefits.

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[461] UCAN Phase 1 Opening Brief, 302.

[462] SDG&E Phase 1 Reply Brief, 126.

[463] SDG&E Exhibit SD-5, Appendix 1, 55.

[464] CAISO also noted that it did not have enough time to perform such an assessment. RT 2260-2265.

[465] See, e.g., DRA Exhibit D-66, 27-38.

Neither SDG&E nor CAISO provided a systematic analysis regarding the sensitivity of the projected economic benefits of Sunrise under uncertainty. The *Economic Methodology Decision* states that such analysis is required and we have reiterated that requirement in this proceeding. We disagree that the alternative efforts sponsored by SD&GE and CAISO substitute for the considered and specific modeling efforts required by the *Economic Methodology Decision*. While we have taken steps to remedy this deficiency through the Compliance Exhibit and our Update to it, without an uncertainty analysis we have no way to measure fully the level of risk ratepayers bear when we accept or reject a proposed project. In the future, we expect a CPCN applicant to provide an uncertainty analysis in the economic modeling offered to support its CPCN application and to update the uncertainty analysis as appropriate through the course of the proceeding.

14. Green House Gas Impacts

AB 32 requires that California reduce its GHG emissions to 1990 levels by 2020.[466] This Commission, with the Energy Commission, has adopted recommended policies and rules to be implemented by the California Air Resources Board to meet California's GHG reduction objectives in the energy sector.[467] In addition, California's Attorney General is enforcing strict compliance with GHG emission goals and full disclosure of potential climate change impacts in EIRs.[468] Consequently, as the lead CEQA agency, we included a GHG emission analysis in the EIR/EIS which quantifies CO_2 emissions related to the

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[466] See note 135, above.

[467] See *Greenhouse Gas Regulatory Strategies,* and two prior decisions in our GHG rulemaking, D.08-03-018 and D.07-09-017.

[468] Conservation Groups Phase 2 Opening Brief, 69-70.

Sunrise transmission alternatives and considers and compares the GHG impacts of the generation alternatives to Sunrise.

14.1. Overview of Conclusions

Conservation Groups' comments in this proceeding go to the heart of the GHG issues raised by Sunrise. They essentially ask whether renewable resources flowing over Sunrise create sufficient GHG savings (or avoid additional GHG impacts) to offset both Sunrise's construction emissions and the fossil fuel resources that Sunrise would deliver to California. We conclude that the potentially significant construction-related GHG impacts[469] from Sunrise can only be justified if there is assurance that the line will deliver significant amounts of renewables, rather than fossil fired resources.

14.2. GHG Emissions Projected in the EIR/EIS

Recognizing that Sunrise's GHG emission impacts include its impacts on generation dispatch throughout WECC, the Draft EIR/EIS sought to quantify emission impacts using information generated by CAISO's production cost modeling. Based on that CAISO modeling, the Draft EIR/EIS projects Sunrise will reduce CO_2 emissions by 1,650 tons in the year 2015. Because CAISO only modeled emission information for the year 2015, the Draft EIR/EIS estimates long-term avoided CO_2 emissions over a 40-year period by multiplying the 2015 rate by 40 years, estimating that Sunrise would provide 66,000 tons of net CO_2 savings over 40 years. This estimate does not account for Sunrise's construction-related CO_2 emissions.

[469] As measured by CO_2 emissions.

The Draft and Final EIR/EIS estimate CO_2 emissions due to the two-year construction of Sunrise at 109,000 tons.[470] These emissions result primarily from the operation of on and off-road equipment used during construction, as well as material deliveries, water and fuel transport, and worker commutes.

After release of the Draft EIR/EIS, DRA identified emission rate errors in CAISO's production cost modeling.[471] The Final EIR/EIS adopts CAISO's correction of these errors, and estimates that Sunrise will reduce CO_2 emissions by 8,950 tons in the year 2015, and that it will potentially avoid 358,000 tons of CO_2 over 40 years, not accounting for its construction-related emissions.

The Final EIR/EIS points out that this estimate is uncertain because it is based on CAISO's assumption that the utilities will comply with 26.5% RPS whether or not Sunrise is built.[472] The Final EIR/EIS thus suggests its projections of reduced GHG emissions are dependent on actual development of renewable resources, and potentially a change in the RPS law. The Final EIR/EIS concludes that absent this projected level of renewable resources, Sunrise may not offset the estimated 109,000 tons of construction-related CO_2 emissions.[473]

14.2.1. Parties' Positions

SDG&E initially argued that Sunrise would reduce GHG emissions by over one half million tons of CO_2 emissions per year and that the Imperial Valley renewable development supported by Sunrise would dwarf Sunrise construction-related emissions.

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[470] Draft EIR/EIS, D.11-52.

[471] DRA Exhibit D-100, 10-1.

[472] Final EIR/EIS, Sec. D.11-50.

[473] Final EIR/EIS, D.11-55.

SDG&E's revised position agrees with the Final EIR/EIS in claiming that Sunrise would reduce CO_2 by 8,955 tons in 2015 for a total of 358,000 tons over a 40-year period.[474] This figure does not account for Sunrise's construction-related CO_2 emissions. DRA confirms this estimate, but argues that neither SDG&E's nor CAISO's GridView modeling should be relied upon to estimate GHG impacts because of their embedded assumptions. UCAN objects to relying on the CAISO's GridView modeling to estimate GHG impacts, and argues that Sunrise will likely increase coal fired generation, thereby increasing GHG emissions, rather than reducing them.[475]

SDG&E contends that the EIR/EIS estimates of net construction-related CO_2 emissions are overly conservative because there is no quantification of construction-related CO_2 emissions associated with building transmission for other facilities that would need to be built to meet RPS targets if Sunrise is not built.[476]

While Conservation Groups emphasize that construction-related GHG impacts must be mitigated,[477] they focus on whether renewable resources will actually flow on Sunrise in amounts sufficient to offset the GHG impacts generated by Sunrise's construction and WECC-dispatch impacts. Conservation Groups argue that without a guarantee that renewables will flow over Sunrise, there are no guarantees that CO_2 emission reductions associated with WECC-dispatch impacts (operational CO_2 emissions) will compensate for construction-

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[474] SDG&E Phase 2 Opening Brief, 87.

[475] UCAN Phase 1 Reply Brief, 30.

[476] SDG&E Phase 2 Opening Brief, 89.

[477] Conservation Groups Phase 2 Opening Brief, 66.

related CO_2 emissions.[478] They propose that we ensure reductions in operational CO_2 emissions by requiring SDG&E to contract with viable renewables whose output would fill Sunrise. Conservation Groups cite to a Minnesota example, where regulators conditioned their approval of the line in this way.[479]

SDG&E urges the Commission to ignore Conservation Groups' "Minnesota approach." SDG&E points out that it already "has a Commission-approved power purchase contract with Stirling that contemplates three stages of development up to a total of 900 MW. In addition, SDG&E has a Commission-approved power purchase contracts [sic] with Esmeralda Energy for 20MW and has entered into power purchase contracts with Bethel Energy for 98.8MW… all of which will be located in the Imperial Valley and will be deliverable across Sunrise."[480] SDG&E also claims that there are numerous Imperial Valley renewable generators "lining up at the door waiting for Sunrise to be built."[481] Thus, SDG&E argues that the Commission can disregard the possibility that Stirling might not be viable in assessing GHG impacts.

14.2.2. Discussion

While we agree with DRA and UCAN that GridView modeling has a number of faults, we do find it provides useful high level information. In the Compliance Exhibit, CAISO did not update its 2015 GridView modeling, but it did correct the emission rate errors from Phase 1. Its final quantification of GHG

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[478] Conservation Groups Phase 2 Opening Brief, 66-67.

[479] Conservation Groups Phase 2 Opening Brief, 29-30, referring to *Order Granting Certificates of Need Subject to Conditions,* Minnesota Public Utilities Commission, Docket No. E-002/CN-01-1958 (March 11, 2003).

[480] SDG&E Phase 2 Reply Brief, 75.

[481] SDG&E Phase 2 Reply Brief, 76.

emissions matches that of the Final EIR/EIS and is within 5 tons of SDG&E's own correction.[482]

We conclude that it is likely that Sunrise will generate GHG reductions by displacing some fossil fired generation with renewables under a 26.5% or higher RPS. However, we have insufficient information to conclude the amount of operational CO_2 emission reductions Sunrise will generate under 20% RPS and whether they will be sufficient to offset Sunrise's construction-related CO_2 emissions.

We assume the construction-related CO_2 emission estimates in the EIR/EIS. We agree with Conservation Groups that construction-related GHG emissions should be mitigated to the maximum extent possible and we have addressed that in the EIR/EIS mitigation measures. We also agree with SDG&E that the construction-related CO_2 emission estimates in the Draft EIR/EIS are conservative given the lack of a reference case. However, as noted by SDG&E, there is no information in the record to support a modification of these estimates.

Based on the assumption that Sunrise's two-year construction will generate over 100,000 tons of CO_2, we share Conservation Groups' concern regarding whether Sunrise will generate sufficient operational CO_2 emission reductions to offset these construction-related impacts absent an aggressive GHG reduction policy implemented by SDG&E. SDG&E has stated that it does not have a written policy or plan to reduce GHG emissions,[483] stating that it will "…comply with the goal—with the state laws. That is our policy."[484]

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[482] CAISO's Compliance Exhibit finds Sunrise would reduce CO_2 emissions in 2015 by 8,949 tons.

[483] RT 3256; SDG&E Phase 2 Reply Brief, 88.

[484] SDG&E Phase 2 Reply Brief, 88.

CAISO modeling has shown that Sunrise is likely to carry significant fossil fueled power because of its projected availability and cost, and much of this power may be coal fired. Reliance on a single 900 MW contract (the Stirling Energy Systems contract) is too risky to ensure that Sunrise will deliver renewables sufficient to offset its construction-related CO_2 emissions. Further, there is no certainty that Imperial Valley renewables will use Sunrise as their primary path to markets. As described in Section 5.5.1, the Imperial Irrigation District is in the process of upgrading its system to deliver over 1,200 MW of those resources over Path 42 to markets in the north, and is contemplating other upgrades to reach the Arizona Public Service grid and other markets to the east.

Given the uncertainty of delivering renewables over this line, we find that approval of Sunrise under 20% RPS is contrary to our GHG emission reduction goals, and may serve to undermine those goals by facilitating the sale of coal fired generation to California.

14.3. GHG Impacts of the Proposed Alternatives

The Draft EIR/EIS estimates the operational and construction CO_2 emissions associated with the various Sunrise routing alternatives. The Draft EIR/EIS does not provide a reference case for those estimates, other than the environmental baseline required by CEQA, nor does it quantify the GHG impacts of any of the generation alternatives set forth in the Draft EIR/EIS. The Draft EIR/EIS acknowledges that, with regard to the generation alternatives, the total amount of construction, the duration of construction, and the intensity of construction activity would have a substantial effect upon the amount of construction-related CO_2 emissions. It assumes that certain alternatives could be built without exceeding the 109,000 tons of CO_2 emissions estimated for Sunrise,

but that other larger-scale projects would trigger comparable or greater emissions.

The Final EIR/EIS includes clarifications to allow a comparison of the alternatives to Sunrise. It shows that while building transmission lines causes significant GHG emissions, building and operating a new fossil fueled power plant would cause substantially more GHG emissions.[485] Lacking a specific reference case for quantification, the Final EIR/EIS concludes that the All-Source Generation Alternative described in that document would greatly increase GHG impacts compared to Sunrise.

14.3.1. Parties' Positions

SDG&E claims that the All-Source Generation and LEAPS Transmission Plus Generation Alternatives in the Draft EIR/EIS are similar to certain CAISO GridView cases.[486] SDG&E then concludes that the All-Source Generation Alternative in the Draft EIR/EIS emits approximately 200 times more CO_2 than Sunrise, while the LEAPS Generation Plus Transmission Alternative emits approximately 110 times more CO_2 than Sunrise.[487]

UCAN takes issue with these SDG&E estimates. Among other things, UCAN argues that it is unreasonable to assume an increase in GHG emissions in 2015 associated with the South Bay Repower Project (a potential component of the All-Source Generation Alternative) since SDG&E's analysis fails to quantify GHG emissions associated with generation elsewhere in WECC.[488]

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[485] Final EIR/EIS, p. 2-44.

[486] SDG&E Exhibit SD-35, 4.21.

[487] SDG&E Phase 2 Opening Brief, 90.

[488] UCAN Phase 2 Reply Brief, 19.

14.3.2. Discussion

We agree with the EIR/EIS that it is likely some of the alternatives will have less and some will have more GHG construction-related impacts than Sunrise, and that these emission impacts are difficult to quantify accurately given the number of unknown variables.

We reject SDG&E's attempts to quantify the GHG emission impacts of the Sunrise alternatives. SDG&E gives no basis for its contentions that the cases analyzed by CAISO are in any way comparable to those defined in the Draft EIR/EIS. CAISO's Part 2 testimony (which SDG&E cites as the source of its estimated emissions levels) does not address GHG emissions, nor does it provide updated GridView modeling. In addition, SDG&E provides no record of conducting the updated production cost modeling that would be necessary to derive WECC-wide estimates of GHG emissions related to Sunrise alternatives.

15. The Northern Routes' Anza-Borrego Link

Because the routing of the Proposed Project, the "Enhanced" Northern Route, and the Final Environmentally Superior Northern Route through Anza-Borrego touches on a host of issues addressed by many of the participants in this proceeding, for increased clarity we address those issues here, apart from the rest of the environmental discussion in Section 17 of this decision.

15.1. Overview of the Proposed Project's Route through Anza-Borrego

One of the most notable and troubling aspects of Sunrise is that SDG&E proposes to site 22.6 miles of the Proposed Project through Anza-Borrego, which many consider the "crown jewel" of the California State Park system.[489] SDG&E's proposal would route the new transmission line through Anza-Borrego

[489] See public statements quoted in Section 1.

in place of a 69-92 kV line constructed in the 1920s, prior to Anza-Borrego's designation as a State Park. That existing line is suspended from wood poles with an average height of 60 feet. The Proposed Project would replace the wood poles with 144 500 kV steel towers, each of which averages 130 feet in height and spans 85-105 feet at the base.[490] The existing 92 kV line (east of Narrows Substation) and 69 kV line (west of Narrows Substation) would be installed underground or would be added to the 500 kV towers as an "underbuild." The existing wood poles would be removed.[491]

The Proposed Project is significantly larger and more invasive, both physically and visually, than the existing 69-92 kV wood pole line. Siting, construction, and maintenance of the 500 kV line would require de-designation of approximately 50 acres of state wilderness.[492] Construction and maintenance of the 500 kV line would result in helicopters near or in wilderness areas and would require 8 new miles of access roads.[493] The taller, wider structures would be much more visible from wilderness areas and extremely noticeable in certain campgrounds located in Anza-Borrego.[494]

The path of the Proposed Project follows the right-of-way within Anza-Borrego currently occupied by the wood poles. However, as discussed in

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[490] Draft EIR/EIS, ES-3.1, B.3.1 (Figure B-15 and Figure B-19), D.5-31 (Impact WR-2).

[491] In order to stay within a narrower right-of-way, SDG&E's "Enhanced" Northern Route requires more towers than the Proposed Project or the Final Environmentally Superior Northern Route, and the height of those towers is greater. Both factors result in greater environmental impacts than either the Proposed Project or the Final Environmentally Superior Northern Route.

[492] Draft EIR/EIS, ES-5.3.

[493] RT 5176; Draft EIR/EIS, ES-3.1.

[494] Draft EIR/EIS, ES-5.3, ES-7.1.2; RT 3727-3728, 3765-3766.

Sections 15.3.3, the legal rights to the right-of-way are hotly contested, and it is unclear how much additional right-of-way SDG&E needs to acquire, from whom SDG&E must acquire it, or what additional permits are necessary before the steel towers could be built through the corridor occupied by the old, wood pole line.

15.2. Anza-Borrego's Place in the State Park System

Anza-Borrego was established in 1957, when the former Anza Desert State Park and the Borrego State Park were combined.[495] This Park of 600,000 plus acres[496] is among the largest state parks in the United States.[497] It includes about 460,000 acres of state wilderness,[498] which not only represents the largest area of state wilderness in California,[499] but also 80% of all state wilderness within this state. In 1974, the Secretary of the Interior approved Anza-Borrego's designation as a National Natural Landmark[500] and in 1981 and 1982, the State Parks and Recreation Commission classified approximately two-thirds of the acreage then comprising the Park as state wilderness[501] to be held "unimpaired for all generations."[502] In 1985, the United Nations named Anza-Borrego a member of the International Biosphere Reserve Program.[503]

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[495] Draft EIR/EIS, Sec. D.2.1.2.1.

[496] State Parks Foundation Exhibit P-1, 5.

[497] State Parks Phase 2 Opening Brief, 1-2.

[498] State Parks Foundation Exhibit P-1, 6.

[499] State Parks Foundation Exhibit P-2. This exhibit is the internet address for the Anza-Borrego General Plan: http://www.parks.ca.gov/?page_id=21314. The quoted portion refers to Chapter 1 of the Anza-Borrego General Plan, page 1-3.

[500] Draft EIR/EIS, Sec. D.2.1.2.1.

[501] Draft EIR/EIS, Sec. D.2.1.2.1.

[502] State Parks Phase 2 Opening Brief, 1-2.

[503] Draft EIR/EIS, Sec. D.2.1.2.1.

The Park consists of washes, alluvial fans, badlands, and vast open spaces. Wildflowers, palm groves, and cacti, along with golden eagles, peninsular bighorn sheep, kit foxes and desert iguanas, as well as numerous other forms of plant and animal life, call Anza-Borrego home.[504] Two national trails run through Anza-Borrego: the Pacific Crest Trail and the Juan Bautista de Anza National Historic Trail.[505]

Anza-Borrego is also a place of rich cultural heritage. Its valleys were transportation corridors throughout the prehistoric and historic period, and areas with water sources were preferred habitation locales.[506] The Park contains over a hundred archaeological sites, the majority of them prehistoric in nature. Anza-Borrego's cultural history is still alive -- local Native Americans continue to visit the area because of the extreme importance of the Park's sites to their culture and history.[507]

State Parks manages Anza-Borrego.[508] Consistent with Anza-Borrego's General Plan, ongoing management must "preserve the unique and diverse natural, cultural, and scenic resources of this Western Colorado Desert Region and provide high quality recreation that supports a healthy natural environment."[509] One of the General Plan's stated goals is to continue to expand

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[504] Draft EIR/EIS, Sec. D.2.1.2.1.

[505] Draft EIR/EIS, Sec. D.2.1.2.1.

[506] Draft EIR/EIS, Sec. D.7.3.

[507] Draft EIR/EIS, Sec. D.7.3.

[508] State Parks Phase 2 Opening Brief, 1-2; Pub. Resources Code §§ 5001, 5019.50.

[509] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page XII).

the amount of state wilderness by adding and designating more land to the Park.[510]

As we have heard in both the formal hearings and the Public Participation Hearings, many people consider Anza-Borrego to be a unique and irreplaceable desert environment. The record is replete with testimony that confirms the strong language in the Vision Statement of Anza-Borrego's General Plan, a portion of which we quote in Section 1 and which we quote more fully here:

> Anza-Borrego is a place of awe, inspiration, and refuge. The vast desert landscape and scenery are preserved in a pristine condition. The full array of natural and cultural resources are cared for so as to perpetuate them for all time while supporting those seeking enjoyment from these resources ...[511]
>
> Emphasis is placed on having park visitors experience the true, real, tangible desert environment, even if it leads to some level of uncertainty or discomfort, because this leads to personal insight and perspective only gained by first-hand knowledge…. The Park is a place where silence can be found and total darkness achieved. At this Park, the forces of nature remain undeniably stronger than human forces, and people, in general, visit, but do not remain.[512]

15.3. Legal Issues Unique to the Anza-Borrego Link

15.3.1. Anza-Borrego's General Plan

Anza-Borrego's General Plan governs State Parks' management of the Park. The General Plan's "Declaration of Purpose" recognizes the special role of

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[510] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page XII).

[511] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page 3-8).

[512] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page 3-8).

the desert park environment, which "nurtures peaceful solitude, astronomical clarity, amazing forms of life, glimpses of the past, and a tremendous scope for the imagination."[513] The Declaration of Purpose provides that "management of Anza-Borrego Desert State Park will be based upon the goal of preserving, instilling an appreciation for, and making available these treasured qualities and experiences for present and future generations."[514]

SDG&E and State Parks disagree whether State Parks would need to amend the General Plan before SDG&E could construct a 500 kV transmission line through the Park. SDG&E claims that State Parks has overstated alleged inconsistencies between the General Plan and the Proposed Project, and argues that plan amendments are unnecessary. State Parks argues that SDG&E's position is fundamentally at odds with the authority accorded a general plan, which serves as a blueprint for management and development, and requires that subordinate actions be consistent with that blueprint.[515]

State Parks represents that it could determine *any* route through Anza-Borrego to be inconsistent with the existing Anza-Borrego General Plan on any one of three grounds:

- Conflict with the State Wilderness designation;
- Conflict with the Backcountry Zone designation; and/or
- Overall conflict with General Plan Goals and Guidelines.

If State Parks made such a determination, the State Parks and Recreation Commission would have to exercise its discretionary authority to adopt revisions

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[513] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page XII).

[514] State Parks Foundation Exhibit P-1, Reference #2 (Anza-Borrego Final General Plan & EIR, page XII).

[515] State Parks Phase 2 Opening Brief, 5.

to the General Plan to allow the siting and construction of such a major transmission line before State Parks could issue any permits.[516]

SDG&E challenges State Park's position that routing the transmission line through Anza-Borrego could be inconsistent with the General Plan.[517] SDG&E relies, in part, on the statement in the General Plan that "[r]econciling the inherent conflicts between the future electrical needs of the State and the protection of Park resources, will require the utility companies and State Parks to work closely together in planning for the size and location of these future facilities."[518] It also relies upon one of the General Plan's goals for infrastructure and operations within Anza-Borrego, "Infrastructure Goal 4," which directs State Parks to "work with local agencies, Caltrans, and utility companies to minimize the adverse impacts associated with developments."[519]

State Parks disagrees with SDG&E's interpretation of the General Plan's goals and guidelines, and argues that Infrastructure Goal 4 should be seen "at best, as a modest accommodation for an existing use otherwise at odds with the statutory guidance for management of State Parks."[520] That statutory guidance provides that "[i]mprovements that do not directly enhance the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource … shall not be undertaken."[521] State Parks acknowledges that its General Plan does not exclude all new transmission facilities in the Backcountry Zone, but contends

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[516] State Parks Phase 2 Opening Brief, 2, 8.

[517] SDG&E Phase 2 Opening Brief, 42.

[518] SDG&E Exhibit SD-35, Attachment 6-3 at 2-96.

[519] SDG&E Exhibit SD-35, Attachment 6-3 at 3-52.

[520] State Parks Phase 2 Opening Brief, 14.

[521] Pub. Resources Code § 5019.53.

that both the Proposed Project and the "Enhanced" Northern Route could be found inconsistent with the Backcountry Zone due to their size and scope.[522]

Given its mandate, State Parks likely would find it difficult, if not impossible, to conclude that a new 500 kV steel tower transmission line running the length of Anza-Borrego advances or preserves the "treasured qualities and experiences" of "peaceful solitude," "glimpses of the past," or "a tremendous scope for the imagination" – all expressly recognized in the General Plan's Declaration of Purpose. Likewise, it is difficult to imagine how State Parks could conclude that a new 500 kV steel tower transmission line running the length of Anza-Borrego "directly enhance[s] the public's enjoyment of the natural, scenic, cultural, or ecological values of the resource."[523] On the contrary, based on the evidence and its position in this proceeding, State Parks reasonably could conclude that such facilities are inconsistent with Anza-Borrego's General Plan and enabling legislation.

The General Plan also requires State Parks to "preserve sensitive species and habitats and encourage their recovery" and "[e]nsure … that the protection of sensitive species and habitats receives the highest priority."[524] This requirement has implications, in particular, for Peninsular bighorn sheep and its critical habitat, which we discuss in greater detail in Section 15.4.1.2. Critical habitat for Peninsular bighorn sheep was certified in order to promote the recovery and survival of a federally endangered species.[525] Based on the evidence and its own position in this proceeding, State Parks reasonably could

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[522] State Parks Phase 2 Reply Brief, 3.

[523] Pub. Resources Code § 5019.53.

[524] Anza-Borrego General Plan, Guidelines – Biota 1a and 1c, 3-24, 3-25.

[525] Draft EIR/EIS, Sec. D.2.11.

conclude that the Proposed Project, and the two other Northern Routes, would significantly harm the Peninsular bighorn sheep's critical habitat and therefore inhibit the bighorn sheep's recovery and survival.[526]

A number of parties have identified specific General Plan Goals and Guidelines which may be inconsistent with both the Proposed Project and the "Enhanced" Northern Route. We mention of few of these here:

> **Goal Recreation 1:** Maintain the Park's qualities of solitude and wildness. Management decisions will favor the desert environment, promote the health and well being of desert ecosystems, and promote those activities that are sustainable over time in providing for the health, inspiration, and education of Californians.[527]

State Parks contends that the scope and size of the transmission facilities defeat Recreation Goal 1 since the Proposed Project would be visible from a large portion of state-designated wilderness.[528]

> **Landscape Linkages Goal Link-1:** Maintain and enhance the movement and dispersal of native animals and plants through the Park and the regional ecosystems.[529]

Because the Proposed Project would create new physical barriers, especially in areas like Grapevine Canyon, State Parks reasonably could find that these barriers frustrate native species movement and therefore interfere with Landscape Linkages Goal Link-1.

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[526] Draft EIR/EIS, Sec. D.2.11, D.16.4.2; Conservation Groups Exhibit C-23, C-24.

[527] State Parks Foundation Exhibit P-2, 3-42.

[528] State Parks Phase 2 Opening Brief, 15.

[529] State Parks Foundation Exhibit P-2, 3-29.

> **Cultural Resources Goal 2**: Identify, protect, and interpret places within [Anza-Borrego] holding special cultural or religious significance to Native Americans and other ethnic communities.[530].
>
> **Cultural Resources Goal 3**: Protect, stabilize, and preserve cultural resources within Anza-Borrego.[531]
>
> **Cultural Resources Guideline 4c**: Future management plans will identify areas of the Park with highly significant cultural remains that warrant higher levels of protection. Recommended protective actions may include Superintendent-ordered closures and designation of certain areas as Cultural Preserves.[532]

SDG&E has acknowledged that the "Enhanced" Northern Route, which would require installation of 500 kV transmission towers through a Traditional Cultural Property, may be inconsistent with many of the Cultural Resources Goals and Guidelines in the Anza-Borrego General Plan.[533] SDG&E has conceded that the "Enhanced" Northern Route would create a greater adverse impact on the Grapevine Canyon cultural site than would the Proposed Project.[534]

We do not presume upon State Parks' decisionmaking authority, but rather seek to inform our own jurisdictional determination. Both on the facts and on the law, SDG&E's position is unpersuasive. While we cannot ascertain definitively whether or not State Parks would find the Proposed Project and the two other Northern Routes inconsistent with Anza-Borrego's General Plan, we

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[530] State Parks Foundation Exhibit P-2, 3-32.

[531] State Parks Foundation Exhibit P-2, 3-32.

[532] State Parks Foundation Exhibit P-2, 3-35.

[533] RT 3960:8-13.

[534] RT 3966:1-12.

conclude that State Parks reasonably could, and likely would, so find based on its own submissions and the evidence in this proceeding.

15.3.2. The California Wilderness Act and Potential Wilderness De-designation

We are bound to consider the exercise of our authority in the context of other law that governs the use of the land at issue -- in this case, the implications of the California Wilderness Act for the Proposed Project and the two other Northern Routes.[535] The EIR/EIS does so[536] and our Phase 2 hearings also examined pertinent issues.

The California Wilderness Act begins with a declaration of state policy to preserve the "enduring resource of wilderness" against future encroachment:

> [It is] the policy of the State of California to secure for present and future generations the benefits of an enduring resource of wilderness... ***[i]n order to assure that an increasing population…does not occupy and modify all areas on state-owned lands within California, leaving no areas designated for preservation and protection in their natural condition***.[537]

The Act establishes a California wilderness preservation system composed of state-owned areas designated by the Legislature as "wilderness areas" and units of the state park system classified as "state wilderness" by State Parks. Anza-Borrego contains both types of areas; with the exception of the All Underground Option for the Final Environmentally Superior Northern Route, all Northern Route Alternatives would pass through wilderness lands classified as such by State Parks.

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[535] The California Wilderness Act is codified at Pub. Resources Code § 5093.30 et seq.

[536] Draft EIR/EIS, Sec. D.5.3.

[537] Pub. Resources Code § 5093.31 (emphasis added).

The California Wilderness Act defines state wilderness as:

> [A]n area where the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain. A wilderness area… is an area of relatively undeveloped state-owned land which has retained its primeval character and influence or has been substantially restored to a near natural appearance, without permanent improvements or human habitation, other than semi-improved campgrounds and primitive latrines, and which is protected and managed so as to preserve its natural conditions . . . . [538]

The California Wilderness Act specifically prohibits both temporary and permanent encroachments into state wilderness.[539] Except for property rights that preexist a wilderness designation,

> [T]here shall be no commercial enterprise and no permanent road within any wilderness area and, except as necessary in emergencies involving the health and safety of persons within the wilderness area, there shall be no temporary road, no use of motor vehicles, motorized equipment, or motorboats, no landing or hovering of aircraft, no flying of aircraft lower than 2,000 feet above the ground, no other form of mechanical transport, and no structure or installation within any wilderness area.[540]

Though no other party agrees, SDG&E argues that the land occupied by the 60 foot high wooden poles installed roughly 80 years ago (and prior to the wilderness designation) is already "disturbed" and therefore, that the California Wilderness Act is not at issue.[541] We disagree. The record establishes that the

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[538] Pub. Resources Code § 5093.33(c).

[539] Pub. Resources Code § 5093.36(b).

[540] Pub. Resources Code § 5093.36(b) (emphasis added). Limited exemptions from this law exist, such as operating aircraft for the purposes of "the aerial stocking of fish or the conduct of aerial surveys of wildlife species. Pub. Resources Code § 5093.36(c)5.

[541] RT 3280.

wood pole line passes through land that carries a state wilderness designation and the EIR/EIS exhaustively documents the environmental damage to Anza-Borrego that would occur if any of the Northern Routes are constructed, including permanent damage to its historic and aesthetic resources. Impacts of this sort do not meet specified exemption criteria and the magnitude of such impacts cannot be reconciled with the California Wilderness Act's comprehensive charge to protect and preserve wilderness for future generations.

The EIR/EIS concludes that the Proposed Project's Anza-Borrego Link will encroach upon 50.2 acres of state wilderness. Most of this acreage is attributable to the Proposed Project's need to deviate from the existing wood pole line right-of-way in Anza-Borrego by 50 feet in order to address engineering concerns associated with installing taller towers and heavier lines, and to avoid particular environmental impacts in the Park. This deviation encroaches upon 48.1 acres within the Pinyon Ridge Wilderness Area and 1.3 acres within the Grapevine Mountain Wilderness Area. Encroachments require the formal de-designation of state wilderness – something that has never been done in California.[542] All of the affected wilderness would have to be de-designated.

In addition, transmission line footings necessitate disturbances, and in some places, encroachments, and construction and maintenance processes will disturb land both inside and outside of the wilderness zone in a manner that has not occurred before in this area. In the Vallecito Mountains Wilderness Area, for example, portions of three temporary pull sites needed to string 500 kV

[542] State Parks, Phase 2 Reply Brief, 2; Draft EIR/EIS, Sec. D.5.3.

conductors for the Proposed Project will result in impacts to nearly another acre of wilderness, which would have to be de-designated.[543]

We find no support for SDG&E's contention that the Wilderness Act does not apply here. Further, the protections the Act mandates provide no exemption for projects like a major transmission line. As we discuss more fully in Section 15.5, the environmental damage to Anza-Borrego that would result from construction of any of the Northern Routes militates heavily against any order by this Commission that would require de-designation of wilderness.

15.3.3. SDG&E's Right-of-Way through Anza-Borrego

The Proposed Project would require a continuous right-of-way through Anza-Borrego, 150 feet wide. This route requires an expansion in SDG&E's existing right-of-way by at least 50 feet into the designated wilderness area along most of the route. As previously noted, SDG&E developed the "Enhanced" Northern Route primarily to respond to concerns about the Proposed Project's impacts on wilderness lands in Anza-Borrego and purports this new route would keep all transmission facilities within the existing 100-foot right-of-way.

SDG&E, BLM, Imperial Irrigation District and State Parks contest the width and continuity of the existing easement through Anza-Borrego.[544] While we agree with SDG&E that this proceeding is not the forum to determine the validity of SDG&E's property rights, the issue is relevant in determining of the

[543] In comments on the Draft EIR/EIS, SDG&E modified its "Enhanced" Northern Route to eliminate all pull sites and access roads with direct impacts on wilderness.

[544] State Parks Phase 2 Reply Brief, 14.

feasibility of the line.[545] We summarize below the evidence on the problems[546] that could arise if we were to grant a CPCN for any Northern Route.

Examination of the land records along the existing wood pole line corridor shows that in some areas there is no recorded right-of-way or reservation of right in SDG&E's favor.[547] In other areas, there is a recorded right-of-way, but the recorded documents do not specify its width. Additionally, where ownership rights are not at issue, but where SDG&E has no easement, the utility may be unable to acquire the necessary right-of-way. For example, in order to pursue a Northern Route, SDG&E must use right-of-way owned by Imperial Irrigation District and currently occupied, in part, by a 92 kV transmission line. However, Imperial Irrigation District has not agreed to the relocation of its own transmission line or to SDG&E's use of that right-of-way in Anza-Borrego.[548] SDG&E has not established that it could condemn Imperial Irrigation District's property.[549]

Given these facts, approval of a Northern Route likely would lead, at minimum, to a complex and significant debate among SDG&E, BLM, Imperial Irrigation District and State Parks over the legal status and rights associated with easements through Anza-Borrego and the courts may be called upon to resolve the issue. We cannot rule out the possibility that SDG&E may be unable to

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[545] SDG&E Phase 2 Opening Brief, 9.

[546] State Parks Exhibit PR-10, 1-4.

[547] Draft EIR/EIS, Sec.B.2.2.

[548] Imperial Irrigation District Phase 2 Reply Brief, 7; Imperial Irrigation District Exhibit ID-4, 3:22-4:6.

[549] SDG&E Phase 2 Opening Brief, 33-39. SDG&E has established only that it holds some easements outside the eastern entrance to Anza-Borrego and limited easements within Anza-Borrego.

obtain the easements needed for a Northern Route. Regardless, this unresolved dispute easily could delay construction of an approved Northern Route and thus influences our view on the feasibility and reasonableness of a Northern Route.

15.4. Overview of the Environmental Impacts on Anza-Borrego

As described in more detail below (and in Section D of the EIR/EIS), all of the Northern Routes traverse Anza-Borrego. Because of the fragile nature of the desert ecosystem, any route through Anza-Borrego will have numerous significant and long-lasting unavoidable environmental impacts on the Park. We review here the specific environmental impacts that would be created by each Northern Route.

15.4.1. Environmental Impacts of the Proposed Project

See Section 3.2.1 for a description of the Proposed Project.

15.4.1.1. Parties' Positions

SDG&E argues the EIR/EIS overstates the environmental impacts of the Propose Project on biological resources, avian species, cultural resources and agricultural lands. Furthermore, SDG&E contends, that to the extent that the Proposed Project will cause environmental impacts in the Park or elsewhere along the route, the utility has developed a range of comprehensive and effective avoidance and minimization measures to address those impacts.

Other parties disagree. Conservation Groups contend that the Draft EIR/EIS is deficient in many respects and therefore underestimates the environmental impacts of the Proposed Project (and the two other Northern Routes). Conservation Groups assert the deficiencies in the Draft EIR/EIS include failures to conduct a proper survey of plant species, to fully survey bird

data as a basis for a proper evaluation of risk to avian species, to consider adequately the impacts of roads and other forms of habitat fragmentation, and to consider adequately the impacts to regional conservation plans. Conservation Groups also assert that the Proposed Project will harm the already endangered Peninsular Bighorn Sheep in and near Anza-Borrego and that the GHG emissions from construction will violate state law and policy. Conservation Groups conclude that the Proposed Project (and other Northern Routes) will have significant environmental impacts on parks, forests, wilderness, recreation areas, public lands, public and private preserves, threatened and endangered species, landscape level impacts on the ecosystem, ecosystem services, and regional conservation plans.

UCAN asserts that the Proposed Project's environmental impacts are among the most significant of any of the alternatives. With respect to the Proposed Project's impacts on Peninsular bighorn sheep, UCAN argues that SDG&E has tried to minimize impacts by inaccurately characterizing the way the transmission line would intersect Peninsular bighorn sheep habitat.

15.4.1.2. Discussion

As we discuss in Section 17.1, below, the Final EIR/EIS concludes that the Proposed Project ranks as the sixth worst alternative among the eight alternatives in terms of its environmental impacts. The Proposed Project has 52 significant, unavoidable environmental impacts (in one or more geographic areas) and will create numerous, direct impacts within Anza-Borrego, including de-designation of state wilderness (discussed in Section 15.3.2), degradation of views and recreational opportunities, impacts on Traditional Cultural Properties, and severe visual effects in the Santa Ysabel Valley. The significant unavoidable impacts affect plants and animals (including endangered species), views,

wilderness and recreation, farms, cultural and paleontological sites, noise, air quality, socioeconomics, public services and utilities, and fire and fuels management. We summarize some of the major impacts below.

Aesthetically, the Proposed Project would create a new row of 130-foot tall steel towers and conductors visible from many locations, including across many acres of state wilderness. The Proposed Project would "result in increased structure contrast, industrial character, view blockage, and skylining from eight locations that represent the majority of public views through the State Route 78 and Grapevine Canyon areas of the Park."[550] In addition, once degradation occurs, repair and restoration of the fragile desert environment can take many years. For example, land scarring from use of staging areas and construction yards, construction of new access and spur roads, and activities adjacent to construction sites and along the right-of-way can last years, if not decades, in arid and semi-arid environments where vegetation recruitment and growth are slow.[551] In-line views of linear land scars or newly bladed roads are particularly problematic and introduce adverse visual change and contrast by causing unnatural vegetative lines and soil color contrast from newly exposed soils.[552] While mitigation measures could be imposed to reduce this type of impact, some site-specific conditions may dictate that the only way to reduce the impact to a less than significant level is to construct the project by helicopter.[553]

We disagree with SDG&E's contention that the scope and scale of the "disturbances" to the desert associated with the building of the wood pole line

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[550] Draft EIR/EIS, ES-5.2.

[551] Draft EIR/EIS, Sec. D.2.5.

[552] Draft EIR/EIS, Sec. D.3.6.

[553] Draft EIR/EIS, Sec. D.3.6.

80 years ago are similar to those that will result from construction of a new, permanent and highly visible, 500 kV steel tower transmission line. The EIR/EIS documents that the Proposed Project and the other two Northern Routes will cause numerous and extensive, significant, unmitigable environmental impacts.

The Proposed Project's environmental impacts affect the following special status species[554]: Peninsular bighorn sheep (a federally and State listed endangered species), flat-tailed horned lizards, golden eagles, quino checkerspot butterflies (a federally listed endangered species), and barefoot banded geckos.[555] Among these impacts, the greatest risk is to endangered bighorn sheep in the Peninsular Ranges. Without obtaining a federal permit from United States Fish and Wildlife Services (US Fish and Wildlife), it is illegal to "take" endangered or threatened species. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct."[556] "Harm" includes any act that actually kills or injures fish or wildlife, including significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish and wildlife.

On February 1, 2001, US Fish and Wildlife designated final critical habitat for the Peninsular bighorn sheep on approximately 844,897 acres in Riverside, San Diego, and Imperial Counties.[557] The Proposed Project's Imperial Valley and Anza-Borrego Links pass through an extensive section of bighorn sheep critical

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[554] As defined in the Draft EIR/EIS, Sec. D.2.

[555] Draft EIR/EIS, ES.5.2.

[556] Draft EIR/EIS, Sec. D.2.3.1.

[557] Draft EIR/EIS, Sec. D.2.1.2.1.

habitat.[558] Without obtaining the requisite permit from US Fish and Wildlife, it is illegal to do anything that results in impacts to critically designated habitat.[559]

In 2004 approximately 700 Peninsular bighorn sheep were living range wide in Southern California, including an estimated 400 to 450 in Anza-Borrego.[560] Decline of the Peninsular bighorn sheep is attributed to the following factors: habitat loss, degradation, and fragmentation; disease from domestic cattle; low lamb survival rates; and predation coinciding with low population numbers.[561] In addition, numerous researchers have expressed concern over the impact of human activity on these animals. As a wilderness animal, Peninsular bighorn sheep fail to thrive in contact with urban development.[562] Installation of transmission towers, stringing the lines (possibly by helicopter), the presence of transmission towers and lines, creation and use of access roads, and maintenance activities in Peninsular bighorn sheep habitat could cause bighorn sheep to avoid affected areas and could interfere with the use of resources such as escape terrain, water, mineral licks, rutting, lambing, or feeding areas, the use of traditional movement routes, and/or could cause physiological stress or increased predation. Based on the high sensitivity of this species and evidence that shows that human activities significantly affect it, the EIR/EIS determines that these impacts would adversely affect survival and recovery of the species. Although the EIR/EIS proposes a number of mitigation measures to help reduce

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[558] Draft EIR/EIS, Sec. D.2.1.2.2.

[559] Draft EIR/EIS, Sec. D.2.3.1.

[560] Draft EIR/EIS, Sec. D.2.11.

[561] Draft EIR/EIS, Sec. D.2.11.

[562] Draft EIR/EIS, Sec. D.2.11.

the impacts to Peninsular bighorn sheep, it finds that the impact would remain significant and unavoidable.[563]

For the reasons described above, Peninsular bighorn sheep may avoid areas near the Proposed Project and not migrate to land below it. If this occurs, transmission line would sever the entire United States population into two separate populations. Field observations and genetic analysis establish that gene flow historically has occurred throughout the range, and that it continues today.[564] Severing the population may increase the entire population's risk of genetic and demographic extinction, because smaller and isolated populations tend to have a higher risk of extinction than larger and interconnected ones.[565]

Habitat fragmentation also may result in a loss of habitat diversity[566] by restricting Peninsular bighorn sheep from using the full range of resources they need to survive. Desert bighorn sheep live in a harsh environment and their survival depends on their ability to move among various resources over different time periods, some very short and some much longer. For example, they may need to shift their distribution in response to changes in food quality or abundance as a result of localized summer rain showers, or they may need to shift to a neighboring canyon because a water source has dried up. Fragmentation would cut them off from these crucial resources. For these reasons, habitat fragmentation is seen as a major threat to bighorn sheep[567] and it is particularly risky to bighorn sheep in the Peninsular Ranges because a narrow,

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[563] Draft EIR/EIS, D.2.11.

[564] Conservation Groups Exhibit C-23, 6.

[565] Conservation Groups Exhibit C-23, 6.

[566] Conservation Groups Exhibit C-23, 6.

[567] Conservation Groups Exhibit C-23, 6.

elevational band of suitable habitat exists in these mountains.[568] Increased traffic and construction disturbance will not only increase the risk of habitat fragmentation, but will also increase the risk of invasion by exotic invasive plants, such as Saharan mustard (*Brassica tournefortii*), tamarisk (*Tamarix* spp.), and cheatgrass (*Bromus tectorum*), which, over time, will decrease habitat quality for bighorn sheep.[569] In addition, ongoing transmission line maintenance activities will result in significant and unmitigable disturbance to the bighorn sheep or even, mortality.[570] Conservation Groups testified: "[I]t would be unwise to experiment with a Federally endangered population, and we should therefore err on the side of caution to protect bighorn sheep in the Peninsular Ranges . . ."[571] SDG&E itself presented an unpublished report that states: "[E]mphasis should be placed on siting of project facilities to the extent possible *away* from optimal habitat and other features of high value to sheep."[572]

UCAN argues that SDG&E has tried to minimize, inaccurately, the Proposed Project's impacts on Peninsular bighorn sheep by contending that the Proposed Project "primarily follows State Route 78 which, as a paved road, is already a barrier to sheep.[573] We agree with UCAN. Use of the adverb "primarily" makes the sentence technically true, since the Proposed Project parallels State Route 78 for about 15 out of 22 miles inside Anza-Borrego. But the

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[568] Conservation Groups Exhibit C-23, 7.

[569] Conservation Groups Exhibit C-23, 5-7.

[570] Draft EIR/EIS, ES-5.3.

[571] Conservation Groups Exhibit C-23, 7.

[572] RT 3576 (referring to SDG&E Exhibit SD-59 erroneously; the report is SDG&E Exhibit SD-58 [Impacts of the Palo Verde to Devers 500 kV Transmission Line Final Report]).

[573] SDG&E Phase 2 Opening Brief, 100.

characterization is misleading because it ignores the other seven miles through Grapevine Canyon. These are *the* seven miles of Peninsular bighorn sheep habitat, and they are not bisected by State Route 78.[574] In fact, the Proposed Project affects approximately 147.5 acres of Peninsular bighorn sheep critical habitat (90.3 acres of temporary disturbance and 57.2 acres of permanent impact through habitat removal). The EIR/EIS, in Significance Criterion 1.d., states that the Proposed Project would have a substantial adverse effect on designated critical habitat for a federal listed species through temporary or permanent disturbance.[575]

With respect to Conservation Groups' contention that the Draft EIR/EIS is deficient, we find that the Final EIR/EIS responds adequately and in detail to Conservation Groups argument and expert testimony.[576]

15.4.2. Environmental Impacts of the "Enhanced" Northern Route

See Section 3.2.2 for a description of the "Enhanced" Northern Route.

15.4.2.1. Parties' Positions

SDG&E supports the "Enhanced" Northern Route which, unlike the Proposed Project, would be constrained to a 100-foot right-of-way within Anza-Borrego. Because all of the Northern Routes create similar impacts, opposing parties generally raise the same or similar criticisms against each of them and those concerns are set out in Section 15.4.1.1.

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[574] UCAN Phase 2 Reply Brief, 36.

[575] Final EIR/EIS, Sec. D.2-111.

[576] See Final EIR/EIS, Response to Comment Set B0041, and, in particular, Response to Comment B0041-13.

The "Enhanced" Northern Route has two unique impacts in Anza-Borrego. It would be constructed through Native American cultural sites and a Park campground. SDG&E has offered to work with State Parks on redesigns to minimize these impacts, but such redesigns necessitate leaving the 100-foot right-of-way, and obviate the purported advantage of the "Enhanced" Northern Route, since wilderness encroachment would result.

State Parks cautions that even if SDG&E keeps the "Enhanced" Northern Route within the existing 100-foot right-of-way, for various reasons that route could be found to be incompatible with Anza-Borrego's General Plan, which would require a Plan amendment.[577]

15.4.2.2. Discussion

As set forth in Section 17.1, below, the Final EIR/EIS concludes that the "Enhanced" Northern Route falls next-to-last in the environmental ranking, placing it below both the Final Environmentally Superior Northern Route and the Proposed Project. The "Enhanced" Northern Route has 44 significant, unavoidable environmental impacts (in one or more geographic areas), including numerous impacts on Anza-Borrego.[578]

The major differences between the environmental impacts attributable to the "Enhanced" Northern Route and the Proposed Project are associated with limiting the path of the 500 kV transmission line through the Park to the 100-foot right-of-way currently occupied by the 69-92 kV wood pole line. It is unclear

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[577] State Parks Phase 2 Opening Brief, 20-24.

[578] The "Enhanced" Northern Route has fewer significant, unmitigable impacts than the Proposed Project only because the CEQA/NEPA review process established fewer "key view points" for visual resources analysis. A key view point is representative of the most critical locations from which a project can be seen. Most of the view points established for the Proposed Project within Anza-Borrego also apply to this alternative.

that a new 500 kV line can be restricted, successfully, to such a narrow corridor.[579] However, were it possible to do so, while that would eliminate direct impacts to state wilderness, the line's greater number of towers, and their increased height, would permanently change the character of Anza-Borrego and decrease its recreational value. Towers would vary in height from 135 to 175 feet, compared to an average height of 130 feet for the structures in this same segment of the Proposed Project. The larger number of towers, the more complex design (known as Delta configuration) of the structures needed to support taller towers, and locating the transmission line closer to State Route 78 (which requires more road spans within Anza-Borrego) all create greater visual impacts.

Constraining the "Enhanced" Northern Route to a 100-foot right-of-way eliminates the ability to avoid significant Native American archaeological sites and the new 500 kV line is forced to cross the large cultural resources complex in the western part of Anza-Borrego, the highly sensitive Angelina Springs Cultural District in Grapevine Canyon.[580] The line's path passes through the center of the primary site and requires more towers within the boundaries of the complex.

The "Enhanced" Northern Route's new alignment also undoes many of the small route adjustments made to the Proposed Project to avoid or minimize other impacts to Anza-Borrego. For example, the Proposed Project skirts the Tamarisk Grove Campground, avoiding the need to remove the tamarisk trees growing there. The "Enhanced" Northern Route cannot avoid the campground and, in

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[579] State Parks Phase 2 Opening Brief, 18 ["In two areas along the existing transmission corridor bordered by State Wilderness, the right-of-way is less than 100', necessitating the need for an additional grant by [State Parks] that would result in encroachment into State Wilderness."]

[580] Draft EIR/EIS, Sec. D.7.19 and Appendix 1-68 and 1-69.

order to meet the safety requirement of the Commission's General Order 95,[581] some of the tamarisk trees located there would need to be removed.[582]

Though SDG&E has stated it is willing to work with State Parks on a redesign of the "Enhanced" Northern Route to avoid impacts on the cultural complex and the Tamarisk Grove Campground, such an effort undermines the major reason SDG&E proposed the "Enhanced" Northern Route. Avoiding those impacts requires creating a new or wider right-of-way and locating the 500 kV line on wilderness land, which necessitates de-designation of wilderness.

Finally, even if constrained to the 100-foot right-of-way, the "Enhanced" Northern Route would have significant negative impacts on wilderness. We have described the "Enhanced" Northern Route's greater visual impacts on Anza-Borrego. In addition, during construction, heavy equipment and helicopters could encroach on portions of state wilderness, creating the potential for extended periods of abrasive noise and dust, and risking permanent damage to the land.[583] Construction of a high voltage transmission line requires significant land for staging, tower assembly, pull sites, and other activities. Individual sites would be cleared to install the transmission line support structures and facilitate access for future maintenance of the transmission line and associated structures. For example, at each structure location, a bulldozer or backhoe would clear an area approximately 100 feet by 100 feet, plus an area adjacent to an access road of approximately 35 feet by 75 feet.[584] If solid rock is

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[581] General Order 95 sets out rules for overhead electric line construction.

[582] Draft EIR/EIS, ES-7.1.2.

[583] Draft EIR/EIS, Sec. D.8.6, D.11.6, and D.3.6.

[584] Final EIR/EIS, Sec. B.4.1.1.

encountered at a structure location, additional equipment may be required to blast through the rock.[585]

15.4.3. Environmental Impacts of the Final Environmentally Superior Northern Route

See Section 3.2.3 for a description of the Final Environmentally Superior Northern Route.

15.4.3.1. Parties' Positions

Because the Northern Routes create similar impacts, opposing parties generally raise the same or similar criticisms against each of them and those concerns are set out in Section 15.4.1.1. The Final Environmentally Superior Route differs from the two other Northern Routes primarily in that it would be undergrounded through Anza-Borrego to avoid permanent impacts on wilderness and to mitigate visual impacts.

15.4.3.2. Discussion

As discussed in Section 17.1, below, the Final EIR/EIS concludes that the Final Environmentally Superior Northern Route ranks as the fifth worst alternative among eight alternatives in terms of its environmental impacts, but above both the Proposed Project and the "Enhanced" Northern Route. The Final Environmentally Superior Northern Route has 37 significant, unavoidable impacts (in one or more geographic areas) and will create numerous direct impacts within Anza-Borrego, though it has no direct effect on state wilderness. The environmental impacts affect biological resources, visual resources, wilderness and recreation, agricultural resources, cultural resources, noise, air quality, socioeconomics, public services and utilities, and fire and fuels management.

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[585] Draft EIR/EIS, Sec. B.4.

The major advantage of the Final Environmentally Superior Northern Route over both the Proposed Route and the "Enhanced" Northern Route is the underground, rather than overhead, construction of part or all of the Anza-Borrego Link in the State Route 78 roadway. The portion east of San Felipe and Santa Ysabel Valleys also would be undergrounded if the All Underground Option of the Final Environmentally Superior Northern Route were built. Because the new 500/230 kV substation would be located to the east of Anza-Borrego, rather than to the west, the transmission line through the Park would need to be only 230 kV, rather than 500 kV. Undergrounding through Anza-Borrego avoids direct impacts to a one-mile area of state-designated Grapevine Canyon Wilderness and does not permanently diminish the recreational value of Anza-Borrego, the Pacific Crest Trail and the San Dieguito River Park, unlike the Proposed and "Enhanced" Northern Routes. It also avoids significant and unavoidable impacts to rural residences, visual resources, and agricultural resources within San Felipe Valley.

Even though this partial underground alternative creates fewer visual impacts, the Final Environmentally Superior Northern Route has significant, unmitigable impacts on wildlife and its habitat. Construction of an underground line through Anza-Borrego creates a permanent impact on 63.4 acres of flat-tailed horned lizard habitat outside a Management Area through habitat removal at the San Felipe Substation site and the harm, harassment, or direct disturbance of the lizards. The EIR/EIS finds these impacts significant under Significance Criterion 1.f. (directly or indirectly cause the mortality of a special status wildlife species).

They are significant and not mitigable to less than significant levels (Class I) because land adequate to compensate for the impacts may be unavailable.[586]

The underground line passes through designated critical habitat for Peninsular bighorn sheep, though most of the construction is expected to occur within the existing roadway boundaries. However, tower pads, an access road, and two pull sites for the one-mile overhead segment would create impacts to critical bighorn sheep habitat (3.4 acres of temporary disturbance and 3.6 acres of permanent impacts).[587] Construction in this area would extend outside the existing roadway, and it is possible that blasted rock and/or debris also might end up outside the construction zone. Any impact to critical habitat is significant according to Significance Criterion 1.d. (substantial adverse effect on designated critical habitat for a federal listed species through temporary or permanent disturbance). The impacts would be significant and not mitigable to less than significant levels (Class I) because replacement critical habitat for Peninsular bighorn sheep, or other suitable habitat (as determined by US Fish and Wildlife, BLM, California Department of Fish and Game, and State Parks), may be unavailable.[588] Even if enough suitable land is available to mitigate habitat impacts to below a level of significance, human and construction activity in Peninsular bighorn sheep habitat could cause the sheep to avoid affected areas, thereby adversely affecting the survival and recovery of the species.[589] Other

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[586] Draft EIR/EIS, Sec. D.2.22.1.

[587] Draft EIR/EIS, Sec. D.2.22.1.

[588] Draft EIR/EIS, Sec. D.2.22.1.

[589] Draft EIR/EIS, Sec. D.2.22.1.

endangered species, like the least Bells vireo, are present along this route, and this undergrounding alternative would create significant impacts for them.[590]

Though undergrounding through Anza-Borrego minimizes or avoids some environmental impacts, it also creates unique impacts. Specifically, it places a double-circuit 230 kV transmission line underground within State Route 78 and County Highway S2, within the Earthquake Valley Fault, which presents a risk of potential, substantial adverse effects from a surface fault rupture. It also results in increased, short-term impacts to traffic and transportation along State Route 78 and County Highway S2, including temporary road and lane closures that would disrupt traffic flow and visitor access to the Park. Additionally, should SDG&E pursue, at some time in the future, a transmission expansion via the San Felipe Substation (a component of the Final Environmentally Superior Northern Route) as many as four additional 230 kV circuits and one additional 500 kV circuit may be required through Anza-Borrego.

Finally, the Final Environmentally Superior Northern Route, compared to the Final Environmentally Superior Southern Route, has greater impacts on biological resources, visual resources, cultural resources, paleontological resources, public health and safety, air quality, geology, mineral resources and soils, socioeconomics, and public services and utilities.[591]

15.5. Conclusions Regarding Any Route Through Anza-Borrego

As §1002(a)[592] requires, we have developed a comprehensive record (in the EIR/EIS and in Phase 2 hearings) on the environmental impacts on Anza-Borrego

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[590] Draft EIR/EIS, Sec. D.2.22.1.

[591] Draft EIR/EIS, Sec. H.5.3.

[592] See Sections 2.2 and 4.2, above.

of any Northern Route. Together with input from speakers at Public Participation Hearings, this comprehensive record likewise documents Northern Route impacts on the three other §1002(a) factors we must consider – community values, recreational and park areas, historical and aesthetic values.

We find that building any route through Anza-Borrego, including the Final Environmentally Superior Northern Route, is inconsistent with each of these factors. More specifically, we find that any Northern Route: (1) would have massive significant and unmitigable environmental impacts on Anza-Borrego; (2) be contrary to community values – both those of the people who visit Anza-Borrego, as well as the values embodied in our state laws protecting areas like Anza-Borrego; (3) be permanently detrimental to recreational and park areas within Anza-Borrego; and (4) would have permanent and negative impacts on historical and aesthetic resources in Anza-Borrego. The degradation of community, recreational, historical and aesthetic values particular to the Park, together with the well-documented adverse impacts on the Park's environment, requires that we reject any Northern Route. The evidence developed in this proceeding strongly suggests that our determination is wholly consistent with Anza-Borrego's General Plan and the goals and purposes of the California Wilderness Act, both of which are designed to protect such areas.

As discussed above, State Parks reasonably could conclude that construction of any route through Anza-Borrego would require amendments to the Park's General Plan, de-designation of wilderness,[593] and the grant of new right-of-way or right of entry permits, or both. We reject SDG&E's contention that the Wilderness Act does not apply to the land through which the Northern

[593] State Parks Phase 2 Reply Brief, 2.

Routes would pass. The California Wilderness Act requires the protection and management of wilderness "so as to preserve its natural conditions," prohibits temporary or permanent improvements on wilderness areas such as "structure[s] or installation[s]" and also prohibits the temporary construction activities associated with such "improvements." Approving a route through Anza-Borrego would not support or preserve recreational opportunities in a "natural environment" or nurture feelings of "peaceful solitude." The EIR/EIS exhaustively documents the environmental damage to Anza-Borrego, including permanent damage to its historic and aesthetic resources. Where, as here, no exemptions exist, such impacts cannot be reconciled with the charge of the California Wilderness Act.

As far as we know, state wilderness has never before been re-classified or de-designated. No record of re-classification or de-designation of state wilderness has been identified. A determination to de-designate wilderness, and its precedential impact, are very serious matters and approval of a request to construct any of the Northern Routes could be detrimental to this state's efforts to protect wilderness lands in perpetuity.

We are not alone in reaching the ultimate conclusion that Sunrise should not be built through Anza-Borrego. The Energy Commission, which generally subscribes to using "existing rights-of-way"[594] when locating new transmission lines, declared this Park to be a "no-touch" zone, due to its environmental sensitivity. [595]

Moreover, where we grant CPCN authority to a public utility, the utility acquires the right, to the extent provided by law, to condemn land in order to

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[594] SDG&E Exhibit SD-35, 7.10.

[595] Conservation Groups Exhibit C-26, 2.

build its project. This record does not attempt to establish the extent of SDG&E's eminent domain rights with respect to any of the Northern Routes. However, we cannot ignore that significant questions exist about whether SDG&E could acquire sufficient right-of-way to build in the Park. This practical matter militates against any Northern Route. SDG&E's construction schedule has made no provision for delays, whether attributable to continuing litigation or to a determination by State Parks that it must prepare amendments to Anza-Borrego's General Plan. Either source of delay is likely if we approve a route through Anza-Borrego. The history of this proceeding strongly suggests that any route through Anza-Borrego likely would be delayed indefinitely while various stakeholders undertook all legal means available to stop construction of a 500 kV transmission line through the Park. Conservation Groups, for example, have made clear their willingness to litigate to protect Anza-Borrego. They have continued to argue that the EIR/EIS is inadequate and they have contended, forcefully, that the Commission has insufficient environmental information to approve any transmission alternative through Anza-Borrego.[596] They claim that all of the Northern Routes would violate state law protecting parks and wilderness.[597]

If changes to the General Plan were to be made, State Parks estimated it would need 395 to 455 days (about 13 to 15 months) to prepare major revisions for consideration by the State Parks and Recreation Commission (this estimate presumes that State Parks' reliance on a Commission-certified EIR/EIS to meet

[596] Conservation Groups Phase 2 Opening Brief, 5, 51, 54-55, 85-86.

[597] Conservation Groups Phase 2 Reply Brief, 12.

the requirements of CEQA). Even if that timeframe could be compressed further, the delay still would be eight months to a year.[598]

16. Wildfire Risks

16.1. Overview

Wildfires pose a significant and continuing risk in California generally, and to Southern California and San Diego County in particular.[599] There is no question that power lines have played a meaningful part in San Diego County's wildfire history. Consequently we discuss here, separate from our review of other environmental impacts of Sunrise in Section 17, both the risk that a new transmission line will ignite a fire, and the potential damage of such a fire. We also review the possibility of a wildfire-induced dual line failure of the Southwest Powerlink – the largest import line into San Diego - and the Proposed Project or a Northern or Southern Route Alternative.[600] (See Section 3.2 for a description of the Proposed Project and other Northern Routes and Section 17.7 for a description of the Southern Route Alternatives.)

We reach two key conclusions based on the fire history discussed below. First, lower voltage distribution and sub-transmission lines, not high-voltage transmission lines, have been responsible for most power line related fires in the San Diego area. Second, though the history indicates that high-voltage lines present a lower fire risk than lower voltage lines, given the fire-prone San Diego

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[598] RT: 4222:5-8.

[599] Draft EIR/EIS, Sec. D.15.1. In Section 16 and the related Appendix C, we make no independent assessment of the fire history or determination of the cause of particular fires, but rely on the California Department of Forestry and Fire Protection (Cal Fire).

[600] See Section 17.6, for a discussion of the LEAPS Transmission-Only Alternative, which has lower wildfire risks than the Northern or Southern Route Alternatives but greater environmental impacts, overall, than the generation based alternatives.

landscape there is an increased risk of fire, with potential reliability impacts, from both the Northern and Southern Route Alternatives; this risk is a factor contributing to our decision to deny a CPCN for Sunrise.

We have reviewed these issues both in the CPCN portion of this proceeding and in the EIR/EIS.

16.2. Risk of Fire Ignition

The presence of dense, dry fuels and periodic Santa Ana winds makes Southern California one of the most fire-prone landscapes in the world.[601] Although fires are a natural process in the chaparral ecosystems in San Diego County, increased human influence across the Southern California landscape has elevated the frequency and intensity of fires,[602] and magnified fire damage to communities, firefighters, and natural resources including air quality, biological resources, and water quality. Assisted by high winds, power line ignitions have caused four of the twenty largest wildfires in California's history from 1932 to 2007, measured by acreage burned, according to the California Department of Forestry and Fire Protection (Cal Fire).[603] Three of these four fires occurred in SDG&E's service area: the 1970 Laguna and Clampitt Fires and the 2007 Witch Fire. The 2007 Rice Fire, also ignited by a power line in SDG&E's service area according to Cal Fire, is one of the State's twenty largest wildfires by another measurement, number of structures destroyed. Thus, according to Cal Fire, four of the five most destructive California fires caused by power lines occurred in SDG&E's service area. Cal Fire's reports state that three of the four fires were

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[601] Draft EIR/EIS, Sec. D.15.1.

[602] Draft EIR/EIS, Sec. D.15.2.1.

[603] Draft EIR/EIS, Sec. D.15.1.1 reviews reports of Cal Fire.

caused by distribution-level lines, that the fourth was caused by a 69 kV sub-transmission line, and that the specific causes vary:[604]

- 2007 Witch Fire – Failure of 69 kV equipment due to corrosion and high winds combined with an ignition caused by a hanging cable lashing on a 12 kV distribution-level line;
- 2007 Rice Fire – Failure of a 12 kV distribution-level line ignited by improperly maintained vegetation around the distribution facilities;
- 1970 Clampitt Fire – Ignited when high winds blew down a section of the distribution-level line; and
- 1970 Laguna Fire – Ignited when trees fell across the distribution-level lines.

In addition to the serious threat intense wildfires pose to human life and property in San Diego County, they also pose a transmission reliability risk because of the possibility that a wildfire - or group of wildfires - will require an extended shutdown of transmission lines supplying San Diego with energy. Locating transmission lines in areas with high fire risk creates a reliability risk. Dense smoke or heat from wildfires can "trip" a circuit, causing it to go out of service.[605] A forced outage may be necessary to respond to an emergency line

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[604] In addition to Cal Fire's July 10, 2008 reports on the Rice and Witch Fires, the Draft EIR/EIS references the September 2, 2008 report of the Commission's Consumer Protection and Safety Division (CPSD) on the Guejito, Witch and Rice fires. CPSD has asked the Commission to open a formal investigation into, among other things, whether SDG&E (and/or others) bears any responsibility for the fires and whether the rules governing conductor clearances and vegetation management practices should be changed.

[605] Smoke can cause an outage as a result of a phase-to-phase or phase-to-ground fault because the ionized air in the smoke can become a conductor of electricity, resulting in arcing between lines on a circuit or between a line and the ground. A "trip" of a transmission line occurs when the system's protective equipment shuts down power flow over a given segment of the line in an effort to mitigate potential damage to the interconnected equipment.

de-rating, to prevent thermal damage to the line, to prevent a smoke-caused trip, or to meet the safety needs of firefighters.

Power lines can start fires by creating sparks that then ignite combustible material located on or near a power line. Any of the following factors may induce sparking:

- Transformer or capacitor failures that result in arcing, or leaking equipment;
- Floating or wind-blown debris contacting conductors or insulators, including trees, other vegetation, birds, Mylar balloons, and kites;
- Conductor-to-conductor contact;
- Wood support poles being blown down in high winds;
- Dust or dirt on insulators; and
- Bullet, airplane, and helicopter contact with conductors or support structures.

The San Diego County fire history summarized at the beginning of this Section and SDG&E's fire data for the last four years (2004-2007) both confirm that distribution-level and sub-transmission lines have been responsible for the bulk of power line-related ignitions, and all of the significant property damage caused by fires resulting from such ignitions. Between 2004 and 2007, 85.5% of the power line-related fires (89 ignitions) were distribution system ignitions, 11.5% (12 ignitions) were ignitions of sub-transmission systems of 69-138 kV, and 3% (3 ignitions) were 230 kV transmission system ignitions. None of the ignitions was associated with a 500 kV line.[606] Attachment C to today's decision, entitled "Risk of Fire Ignition," provides a more detailed discussion of this topic.

[606] Draft EIR/EIS, Sec. D.15.1.1.

16.3. Risk of Dual Line Failure Due to Wildfire

Given the fire-prone Southern California landscape, wildfire presents an outage risk for any new transmission line, including the Proposed Project and each of the transmission alternatives studied in the EIR/EIS. Both single, isolated fires and conflagrations of multiple fires have the potential to cause an outage. A second issue is reliability-related, that of concurrent failure of the Proposed Project (or other Sunrise transmission alternative) and the existing Southwest Powerlink, due to one fire or simultaneous fires. While the fire history summarized below suggests a concurrent outage involving the Southwest Powerlink and the Environmentally Superior Southern Route is more likely than one involving the Environmentally Superior Northern Route, as we discuss below, a dual line outage could occur whether or not a new transmission line is collocated with the Southwest Powerlink, since spatial proximity is not the only indicator of a concurrent outage.

Wildfires pose a special risk to SDG&E's largest import line, the 500 kV Southwest Powerlink. Roughly 14 wildfire events have caused an estimated 29 outages in the 23 years of the line's operation.[607] Because of concerns about a concurrent outage between the Proposed Project and the Southwest Powerlink, SDG&E's PEA did not fully consider any transmission alternatives located west of Milepost 36 in the Southwest Powerlink corridor. SDG&E was concerned that WECC would rate any line parallel to the Southwest Powerlink past that milepost as a Category C line, and SDG&E wanted the Proposed Project to obtain a Category D rating, which because it represents a higher measure of reliability,

[607] EIR/EIS, Attachment 1A to Appendix 1, Sec. 5, Table 5.

might provide further justification for the line. Only three sets of collocated high-voltage transmission lines in California have a Category D rating.[608]

SDG&E filed a Performance Category Upgrade Request (Request) with WECC Reliability Performance Evaluation Work Group (WECC Reliability Work Group) on December 19, 2007, about a year after it filed the 2006 Application. By this time the EIR/EIS process had identified the Northern and Southern Route Alternatives and so the Request evaluated the double-line outage probability for the 500 kV segments of the Northern and Southern Routes that would be collocated with the Southwest Powerlink. SDG&E focused primarily on evaluating the fire-related risks related to the collocated segments but also evaluated the risk of a single fire causing concurrent outages on one of these alternative routes and the Southwest Powerlink, based on the historical fire record. After reviewing SDG&E's Request, WECC Reliability Work Group recommended that the collocated 500 kV segment of the Northern Route (4 miles) be approved as a Category D line and that the collocated segment of the Southern Route (36 miles) be deemed a Category C line.[609]

However, SDG&E's Request to WECC Reliability Work Group failed to evaluate the risk of multiple simultaneous fires affecting both lines and thus, did not permit a fully comparable analysis. Had SDG&E performed a simultaneous wildfire-reliability analysis on the entire length of each route and not just the co-located portion, and had it included fire history data (discussed below) in the Request, it is not clear that the Northern Route would have received a Category

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[608] Final EIR/EIS, ES and General Response GR-9.

[609] CAISO argues that the Southern Routes' Category C rating would require a remedial action scheme designed to drop up to 100 MW of load in the San Diego area and trip up to 2000 MW of generation in the Imperial Valley. DRA contends that CAISO's position is flawed.

D rating. Rather, it seems likely both lines would have been deemed to meet Category C requirements and thus, would have been given the same reliability rating.

The fire history record shows that had both lines been present, it is very likely that the Final Environmentally Superior Northern Route would have experienced a concurrent outage with the Southwest Powerlink twice since 1970 (in 2003 and 2007). There also is a very high likelihood that the Environmentally Superior Southern Route would have experienced a concurrent outage with the Southwest Powerlink five times since 1970 (in 1970, 1975, 1995, 2003, and 2007).

WECC's rating criteria assesses whether any contingency (such as fire, lightning, aircraft crash) that could affect two transmission lines is likely to occur at a frequency between one in three to one in thirty years, and if so, classifies the proposed transmission route as "N-2," which falls within the Category C reliability classification. Therefore, because the Northern Route likely would have experienced an outage concurrent with Southwest Powerlink twice in 30 years, a more accurate assessment of the risk of outage due to concurrent fire appears to fall within Category C standards but does not meet the higher standards of Category D.

These conclusions are based on a spatial analysis of the routes and Cal Fire's Fire and Resource Assessment Program fire perimeter database.[610] However, given frequent experience in Southern California of multiple, large fires during extreme weather conditions, spatial proximity is not the only indicator of concurrent outage due to fire. Even the most spatially removed alternatives from the Southwest Powerlink, the LEAPS Transmission-Only

[610]See Draft EIR/EIS, Sec. D.15.4.3, which includes the link to http://frap.cdf.ca.gov/infocenter.html.

Alternate and the LEAPS Generation and Transmission Alternative (described in Section 17), would have experienced concurrent outages with the Southwest Powerlink three times since 1970 (in 1975, 1989, and 2003).

16.4. Comparison of Fire Risk Across Transmission Alternatives

In an attempt to more clearly present the fire risk presented by each transmission alternative, both in terms of property damage and potential for a concurrent outage, we include here an excerpt from Table ES-3, included in General Response GR-9 and the Executive Summary of the Final EIR/EIS:

Table ES-3. Fire and Fuels Comparison of Alternatives

		A	B	C		D		E	F
		Overhead through high-risk fuels (miles)[a]	High/Very High burn probability (miles)	Assets at risk: Normal weather		Assets at risk: Extreme weather		Firefighting conflict (miles)	Fire reliability (number outages)[b]
Route				Homes	Acres	Homes	Acres		
Final Environmentally Superior Northern	230 kV	23	17	400	20,000	770	72,000	11.5	2
	500 kV	0	2	0	0	0	0		
Final Environmentally Superior Southern	230 kV	23	10	150	16,000	560	37,000	8.0	5
	500 kV	62	20	180	36,000	820	161,000		

[a] The number of miles of overhead transmission line through High and Very High Fire Severity Zones as identified by Cal Fire, 2006.
[b] The number of outages that would have occurred concurrently with SWPL from 1970 to 2007, using MGRA Phase 2 Rebuttal testimony methodology excluding "Type 3" outages.

The assets at risk in columns C and D of the Table are raw numbers based on the modeling results presented in the Final EIR/EIS;[611] they have not been weighted based on the probability of ignition. However, because the risk of ignition from a 230 kV line is higher than the risk of ignition from a 500 kV line, the 500 kV segments of each of the transmission alternatives (represented by gray shading) are considered to rank lower for ignition risk and potential damage

[611] Final EIR/EIS, ES and General Response GR-9.

even though, for example, the raw numbers listed for the 500 kV segment of the Final Environmentally Superior Southern Route are larger than the raw numbers for its 230 kV segment. Likewise, while the Tables list a "zero" in Columns A, C and D for the 500 kV segment of the Final Environmentally Superior Northern Route, which crosses a desert area with a very low fuel load, the comparably low risk of a 500 kV ignition reduces the import of that raw data.

The Table also shows that the 230 kV segment of the Final Environmentally Superior Northern Route places a higher number of assets at risk than the 230 kV segment of the Final Environmentally Superior Southern Route, that the Final Environmentally Superior Northern Route creates more significant barriers to firefighting efforts, and that there is a higher risk of a concurrent outage between the Southwest Powerlink and the Final Environmentally Superior Southern Route than the between the Southwest Powerlink and the Final Environmentally Superior Northern Route.

We include the results of this modeling to show comparative risks between the Northern and Southern Routes. Because modeling the impact of future fires is necessarily imprecise, we rely on this modeling only to provide gross comparisons of fire risk between the two routes.[612]

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[612] The number of "Assets at risk" presented in the table was estimated through the Fire Behavior Trend model described in EIR/EIS, D.15.4.3. The Model attempts to predict how ignitions related to project construction, operation, and maintenance would affect the extent of fire damage by simulating wildfire behavior based on known biophysical conditions in the vicinity of the transmission line. The model generates an estimate of the number of acres that would burn if multiple simultaneous ignitions occurred along the length of the transmission corridor. Fuel characteristics were inventoried within and slightly beyond the fire sheds as defined in the EIR/EIS, D.15, and therefore the fire behavior simulations do not go much beyond the fire shed boundaries. This is a limitation of the model. In addition, because large fires are often sparked by just one or two ignition sources, the outcome of the model is unrealistic, as the transmission line

16.5. Conclusion

The risk posed by wildfires in Southern California is significant. Given the lack of need for any of the transmission alternatives, the attendant wildfire risks reinforce our conclusion to deny a CPCN for Sunrise.

17. Environmental Review

Both § 1002(a) and CEQA require us to consider Sunrise's influence on the environment. Section 15 discusses the significant, unmitigable environmental impacts the Northern Routes present for Anza-Borrego and Section 16 discusses the increased wildfire risk all Northern and Southern Routes pose. As we discuss in this Section, the Proposed Project and alternatives all have environmental impacts greater than or equal to the No Project Alternative, and all of the transmission line alternatives have greater, adverse impacts on the environment than the generation-based alternatives. The magnitude of these environmental impacts reinforces our conclusion to deny the CPCN.

The CEQA and NEPA-mandated EIR/EIS process has been the primary forum for environmental review of the Proposed Project. CEQA imposes a general duty on public agencies to avoid or minimize, to the greatest extent possible, the environmental effects of projects they approve.[613] This duty generally is implemented by identifying and then adopting mitigation measures and/or alternatives to the project that will avoid or reduce environmental

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would never be the cause of simultaneous ignitions along the entire length of the corridor. However, the model provides a useful comparison of the relative risk of various routing alternatives.

[613] *County of San Diego v. Grossmont-Cuyamaca Community College Dist.* (2006) 141 Cal.App.4th 86, 98; Pub. Res. Code § 21002; 14 Cal. Code Regs. ("CEQA Guidelines") § 15021.

impacts.[614] To this end, CEQA requires that an EIR identify an environmentally superior alternative among the alternatives evaluated.[615] In addition, the lead agency is required to respond to public comments on a Draft EIR that suggest additional mitigation measures or alternatives to the Proposed Project.

The EIR and EIS are informational documents prepared by the state and federal lead agencies. The Final EIR/EIS, which totals over 4,500 pages in addition to the 7,000 page Draft EIR/EIS, has been jointly prepared by Commission staff and BLM, in consultation with numerous other local, state and federal agencies, and with voluminous public input. Below we summarize, in a necessarily abbreviated form, the most significant aspects of the EIR/EIS and the comments made on it during the CPCN proceeding and in the course of the EIR/EIS process. The EIR/EIS provides more extensive descriptions of the Sunrise alternatives considered and the significant environmental impacts of each. The Final EIR/EIS addresses in detail every public comment received during the Draft EIR/EIS and Recirculated Draft EIR/Supplemental Draft EIR review process. Consequently, we provide below specific cross-references to the EIR/EIS, which we certify in Section 18 of this decision.

17.1. Alternatives Analyzed in the EIR/EIS

The Final EIR/EIS evaluates and compares the environmental impacts of the eight transmission and/or generation alternatives analyzed in that document. The results of this comparison appear below, with the overall

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[614] Pub. Resources Code §§ 21100(b)(3), (4), 21003(c) [EIR should emphasize feasible mitigation measures and alternatives]; CEQA Guidelines §§ 15002(f), (h), 15126.4, 15126.6; *Laurel Heights Improvement Assn. v. The Regents of the University of California* (1988) 47 Cal.3d 376, 400-403.

[615] CEQA Guidelines §§ 15126.6(a) and (e)(2).

environmentally superior alternative listed first and the lowest ranked alternative listed eighth:

1. New In-Area All-Source Generation Alternative (All-Source Generation Alternative), one of the two generation based alternatives;
2. New In-Area Renewable Generation Alternative (In-Area Renewable Alternative), the second generation based alternative;
3. LEAPS Transmission-Only Alternative;
4. Environmentally Superior Southern Route;
5. Environmentally Superior Northern Route;
6. Proposed Project;
7. "Enhanced" Northern Route; and
8. LEAPS Transmission Plus Generation Alternative.

The Final EIR/EIS does not list the No Project Alternative in this environmental ranking, but explains that, because the No Project Alternative contains aspects of the first three alternatives, its environmental impacts are "equivalent to the alternatives ranked first, second, and third…"[616] and it has fewer impacts than any of the transmission alternatives.

The Final EIR/EIS incorporates and expands upon the analyses in the Draft EIR/EIS and the Recirculated the Draft EIR/Supplemental Draft EIS. The Draft EIR/EIS, the initial document, reports upon the environmental impacts of the Proposed Project and a wide range of alternatives (including alternative routing segments), which were identified because they would attain most of the Basic Project Objectives,[617] be potentially feasible, and avoid or substantially

[616] Draft EIR/EIS, ES.2.

[617] Section 3.1 contains a complete description of the three Basic Project Objective.

lessen one or more of the significant environmental impacts of the Proposed Project. As documented in detail in the Alternatives Screening Report,[618] we initially considered over one hundred re-routes and other alternatives to the Proposed Project. Eventually, we eliminated seventy of these from detailed consideration because they would not reduce significant impacts of the Proposed Project, did not meet Basic Project Objectives, and/or were not feasible.[619]

The Draft EIR/EIS analyzes twenty-seven separate alternatives, including eighteen alternative route segments for the Proposed Project, four routes following portions of the Southwest Powerlink, two alternatives including components of the LEAPS Project, two generation-based (or non-wires) alternatives, and the No Project/No Action Alternative (referred to as the "No Project Alternative"). The multiple alternative route segments were assembled to create several complete (or "composite") transmission line routes, which were then compared to the other alternatives.

After the Draft EIR/EIS was published, SDG&E proposed an "Enhanced" Northern Route, as discussed in Section 3.2.2. Certain portions of this route have been incorporated in the "Final Environmentally Superior Northern Route." SDG&E also suggested a "Modified Southern Route" to resolve some of the feasibility issues and/or reduce impacts raised by the Draft Environmentally Superior Southern Route. The "Final Environmentally Superior Southern Route" incorporates portions of SDG&E's proposal.

UCAN proposed two revisions to the Environmentally Superior Southern Route in comments on the Draft EIR/EIS and in its Phase 2 brief: "UCAN's Modified Southern Route" and "UCAN's Jacumba to Sycamore Canyon Route."

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[618] Draft EIR/EIS, Appendix 1; see also Draft EIR/EIS, ES.2.

[619] For a complete explanation, see Draft EIR/EIS, Appendix 1, 1.4.2.2.

Like SDG&E's "Enhanced" Northern Route, UCAN's alternatives are composed of route segments that were evaluated in the Draft EIR/EIS. UCAN's Modified Southern Route follows a different path through the Cleveland National Forest than the Environmentally Superior Southern Route.[620] However, since the Forest Service has determined that the types of crossings proposed by UCAN are inconsistent with its Land Use Plan, UCAN's Modified Southern Route is impractical. The Final Environmentally Superior Southern Route avoids these conflicts with Forest Service lands.

UCAN's Jacumba to Sycamore Canyon Route follows the same route as UCAN's Modified Southern Route but excludes the easternmost 35 miles of new 500 kV line between the proposed Jacumba Substation and the Imperial Valley Substation. Even in comparison to the Final Environmentally Superior Southern route through the Cleveland Forest, UCAN's Jacumba to Sycamore Canyon Route is not an adequate alternative because it does not meet at least two Basic Project Objectives.[621]

The Recirculated Draft EIR/Supplemental Draft EIS contains significant, new information which became available after release of the Draft EIR/EIS and which required recirculation under CEQA and NEPA. Among other things, the document contains:

- New and revised analysis of the La Rumorosa Wind Project in Mexico (an indirect effect of the Proposed Project, discussed in Section 17.2, below) and associated transmission/substation upgrade in the United States;
- Description and analysis of the "Enhanced" Northern Route and other route modifications; and

[620] Recirculated Draft EIR/Supplemental Draft EIS, Sec. 5.3.3. and Figure, 5-2.

[621] Recirculated Draft EIR/Supplemental Draft EIS, Sec. 5.3.3.

- Revision of components of the Environmentally Superior Northern Route and the Environmentally Superior Southern Route.[622]

17.2. Connected Actions

The EIR/EIS evaluated four projects that are so closely related to the Proposed Project as to be considered part of the project: (1) the Stirling Energy Systems solar facility; (2) the Esmeralda–San Felipe Geothermal Project; (3) the Jacumba 230/500 kV Substation; and (4) a 1,250 MW wind project in northern Mexico's La Rumorosa area. These projects are unlikely to proceed unless either a Northern or Southern Route is constructed first or simultaneously. The first three are part of the "whole of the action" as that term is used in CEQA and are "connected actions" under NEPA.[623] Because the La Rumorosa wind project would be located primarily outside of the United States, it is identified as an "indirect effect" of the Proposed Project.

The EIR/EIS evaluates the environmental impacts of these four projects to educate decision makers and the public about the full impacts of the various Northern and Southern Routes.[624] The Commission must consider this information as part of its decisionmaking process. However, these actions are not before the Commission for approval at this time, and today's decision does not in any way approve or guarantee approval of any of these projects. Each of them would be subject to separate environmental review by a lead agency with permitting authority.

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[622] Recirculated Draft EIR/Supplemental Draft EIS, Sec. 1.2.

[623] See CEQA Guidelines § 15378; 40 C.F.R. § 1508.25(a)(l).

[624] Draft EIR/EIS, Figures B-44 through B-46 show the locations of the various connected actions. Recirculated Draft EIR/Supplemental Draft EIS, Figures 2-1, 2-2, 2-3, 2-4 and 2-5 illustrate the Jacumba 230/500 kV Substation and the La Rumorosa Wind Energy Project as revised in that document.

The major environmental impacts of these four projects include the following:[625]

- The La Rumorosa wind and Stirling solar thermal projects would create thousands of acres of ground disturbance in sensitive desert ecosystems. Stirling components would cover as many as 8,000 acres and result in permanent loss of 2,500 acres of habitat.
- Because all four projects require new transmission lines, generally the same types of impacts identified for the Proposed Project (and its transmission alternatives) would affect the new lines to these facilities.

We have considered the environmental impacts of these projects as part of the whole of the Northern and Southern Route Alternatives.

17.3. Future Transmission Expansion

Expansion potential is one of SDG&E's objectives for any Northern or Southern Route, including both the 230 kV and the 500 kV components.[626] Figures B-12a and B-12b in the Project Description of the EIR/EIS illustrate the locations of the potential routes for future expansions interconnecting either with Edison and/or Imperial Irrigation District. SDG&E has indicated that the Proposed Project could lead to development of a 500 kV line from the proposed Central East substation or from the alternative Central South Substation (in Santa Ysabel) to Edison's existing Valley-Serrano 500 kV transmission line.[627]

SDG&E also has indicated that a Southern Route could lead to future 230 and 500 kV line development. The Draft EIR/EIS identifies potential routes

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[625] The impacts of these projects are described in greater detail in the Draft EIR/EIS, Sec. D.2 through D.15 and in the Recirculated Draft EIR/Supplemental Draft EIS, Sec. 2.

[626] See Section 3.1 for the complete list of SDG&E objectives.

[627] SDG&E Exhibit SD-15, Vol. 1 of 2, 42:15-17.

including 230 kV routes (following existing SDG&E corridors) to reach the substation endpoints identified by SDG&E for the Proposed Project, and a potential 500 kV route from the Modified Route D Substation site south of Interstate 8 or from the Interstate 8 Alternative substation site to connect with the existing Edison Valley-Serrano line.

As a result of the relatively detailed route descriptions provided by SDG&E, the Commission determined that these routes are reasonably foreseeable future expansions of Sunrise and accordingly, analyzed them in the Draft EIR/EIS. The EIR/EIS discloses the reasonably foreseeable impacts of these expansions for each resource area analyzed. The environmental impacts are similar in nature to the impacts of the various transmission routes analyzed in the EIR/EIS, but occur in different locations. However, these expansion projects are not before us for approval at this time, and today's decision does not in any way approve or guarantee approval of any of these projects. If and when they are proposed, these projects will require a separate application and will be subject to separate environmental review. Therefore, we do not discuss their impacts in this decision in detail; however, in making our final determination we have considered the assessment in the EIR/EIS of the likelihood of such future expansion and its environmental impacts.[628]

17.4. All-Source Generation Alternative

17.4.1. Description

The EIR/EIS determines that the All-Source Generation Alternative is environmentally superior to all of the alternatives evaluated in the EIR/EIS, including the Proposed Project. This alternative assumes at least 1,703 MW of power can be developed in the San Diego area in lieu of the Proposed Project

[628] Draft EIR/EIS, ES-5.8.

through a mix of fossil fuel generation and renewable generation, including some distributed generation.[629] Though the All-Source Generation Alternative identifies specific projects that could be online by 2010, these projects serve as proxies for a wide range of potential development scenarios. Further, because this alternative proposes more generation than needed to meet SDG&E's reliability needs until at least 2016, and because the proposed projects are proxies for the types of projects likely to be developed, no one project in this alternative is essential to the feasibility of the whole of this alternative.[630]

The components of the All-Source Generation Alternative include one gas fired baseload and four gas fired peaking power plants (all proposed by various developers for the San Diego area), as well as a small amount of wind, solar PV, and biomass/biogas. The proxy projects include:[631]

- The South Bay Replacement Project – a 620 MW gas fired, combined cycle power plant;
- The San Diego Community Power Project – a 750 MW gas fired, combined cycle power plant;
- The Encina Power Plant Repowering – a 450 MW gas fired, combined-cycle power plant;
- A variety of peaking gas turbines totaling 250 MW. Potential projects include the Pala and Margarita Peakers already under contract, Miramar II, and a 15 MW proposal for a fee-for-service development at Borrego;

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[629] Distributed generation, in contrast to generation built to provide power to the grid, refers to small-scale power generation technologies (typically in the range of 3 kW to 10 MW) designed to meet onsite or local load. Distributed generation can be either renewable, such as solar PV, small wind turbines, and small bio-fueled generators, or fossil-fueled, such as natural gas-powered engines and fuel cells.

[630] Compliance Exhibit, SDG&E LnR Table – All Source cases (adjusted to remove 48 MW of wind, 50 MW of biomass, and 240 MW of solar thermal).

[631] Several of these proxy projects are described in more detail in Section 5.3 above.

- A variety of fossil fuel-fired distributed generation facilities totaling 35 MW installed at or near consumer sites such as hospitals and industrial facilities; and
- Renewable distributed generation totaling 203 MW including solar PV installation on residential, commercial and/or industrial building rooftops.

Additional description of this alternative can be found in the EIR/EIS.[632]

17.4.2. Parties' Positions

SDG&E asserts that the All-Source Generation Alternative is infeasible because permits cannot be obtained on a timely basis, the projects are speculative and cost prohibitive, and the projects would not meet reliability and RPS goals.

According to SDG&E, the All-Source Generation Alternative inaccurately assumes timely construction and start up of these future generation facilities. SDG&E claims the need for various regulatory approvals and the construction processes will prevent these projects from coming online before 2012. Further, SDG&E argues the All-Source Generation Alternative's construction assumptions are improper under CAISO Grid Planning Committee Guidelines, as well as past Commission decisions. SDG&E contends CAISO guidelines suggest a five-year planning horizon should count facilities that are under construction and a ten-year planning horizon should count facilities that have an application under review, have obtained regulatory approval, or are under construction. SDG&E claims the Commission's decisions on the Valley Rainbow[633] and Jefferson-Martin[634] transmission line CPCN proceedings support CAISO guidelines.[635]

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[632] Draft EIR/EIS, Sec. C.4.10.2, E.6; Final EIR/EIS, General Response-1.

[633] D.02-12-066, 33.

[634] D.04-08-046, 43.

[635] SDG&E Phase 2 Opening Brief, 170-173.

SDG&E states that neither the South Bay Replacement Project, the San Diego Community Power Project, the Encina Power Plant Repowering, nor the Pala Peaker Plant meet the requirements for five-year planning, and that the Encina Power Plant Repowering is the only one that meets the ten-year planning requirement. SDG&E states, moreover, that the Commission's most recent Long Term Procurement Plan decision[636] finds that procurement decisions should be made up to seven years in advance of when the resource is needed.

SDG&E also asserts that in basin renewables do not exist to the extent detailed in the All-Source Generation Alternative and, in particular, that the use of solar PV is unrealistic at the build-out levels contemplated; that the use of renewable energy credits (also known as "RECs") to fulfill its RPS goals is not allowable; and that this alternative is economically infeasible because it will require additional transmission facilities to meet reliability criteria. SDG&E claims that this alternative will cost $420 million and that over twenty years the incremental costs of this alternative, compared to out-of-basin generation with Sunrise in-service, ranges from $444 million to $1.8 billion. Given this alleged infeasibility, SDG&E states it is highly unlikely this alternative will meet SDG&E's post- 2010 reliability needs.

CAISO concludes, similarly, that the generation projects within this alternative will not be built within the timeframe necessary to meet SDG&E's reliability requirements. Consequently, like SDG&E, CAISO finds it imprudent to rely upon these projects to meet SDG&E's needs. Additionally, CAISO notes that the Encina Power Plant Repowering will result in an increase of 220 MW, not the 540 MW that the EIR/EIS assumes, because the project replaces existing capacity rather than adding only new capacity. CAISO states it already has

[636] D.07-12-052, 21.

accounted for much of the power from certain peaker plant components of this alternative and regarding the renewable components, contends that certain projects are highly speculative for a variety of reasons, such as land use issues and time constraints. CASIO also argues that some projects, even if constructed, would have limits (e.g., the intermittent nature of some renewables or the 1,150 MW dispatch limit on the Imperial Valley to Miguel Substation portion of the Southwest Powerlink) such that only a portion of the generation could be counted for SDG&E's needs.

DRA points out that the existing South Bay Power Plant may not be retired and, while that makes the South Bay Replacement Project questionable, it also means that the existing facility's 700 MW capacity would remain available to meet SDG&E's reliability needs.

Powers Engineering argues that the All-Source Generation Alternative's peaker plant component should be replaced with solar PV because: (1) solar PV is more reliable due to its distributed nature; and (2) if battery storage is attached, solar PV can be used to provide firm on-peak capacity at or near the nameplate rating. Powers Engineering points out that the Draft EIR/EIS[637] shows that 105 MW of solar PV is possible and that such a program would meet SDG&E's alleged 2010 capacity need. Further, Powers Engineering contends that the EIR/EIS fails to account properly for energy savings due to energy efficiency and demand response measures and that increased energy efficiency savings could completely eliminate SDG&E's projected shortfalls beyond 2015. Powers Engineering asserts that demand response from air conditioner cycling programs, in conjunction with advanced metering and education about proper air conditioner installment, can reduce peak demand by 350-450 MW. According

[637] Draft EIR/EIS, Sec. E.5.1.2.

to Powers Engineering, additional distributed generation subsidies (for combined heat and power) and smaller distributed generation units could substitute for the All-Source Generation Alternative's 620 MW combined cycle plant.

The City of Santee argues that the San Diego Community Power Project component of the All-Source Generation Alternative is infeasible because it is inconsistent with: (1) existing federal, state, and local plans; (2) a wildlife mitigation corridor required under the Fanita Project; and (3) San Diego recreational trail plans. For these reasons, the City of Santee contends the project could not be permitted and constructed by 2010. Furthermore, the City of Santee asserts the EIR/EIS fails to fully analyze the impacts of the San Diego Community Power Project.

UCAN argues that the No Project Alternative is superior to the All-Source Generation Alternative, but contends that the All-Source Generation Alternative is economically superior to the Proposed Project and would meet and exceed SDG&E's reliability needs through 2022. UCAN asserts that 40% of the All-Source Generation Alternative's costs are due to the 10% that comes from solar PV. UCAN claims that since this alternative provides more MW than needed, the solar PV component could be eliminated to make this alternative less costly than the Proposed Project or other Northern Routes. However, if the solar PV component is retained, UCAN characterizes SDG&E's solar PV cost estimates as grossly inflated, claims the utility has disproved its own energy conversion factor, and asserts that ample commercial rooftop exists in San Diego to support large scale solar PV deployment.

Conservation Groups argue that the All-Source Generation Alternative and the In-Area Renewable Alternative are inherently more reliable than any

project that requires transmission lines through remote, fire-prone, seismically unstable, and extremely windy areas. Likewise, Conservation Groups state that in basin alternatives do not rely on centralized substations, which are prone to the same risks. Additionally, Conservation Groups assert that the in basin generation alternatives avoid many of the environmental impacts posed by wires and substations. According to Conservation Groups, solar PV is less costly than SDG&E claims. Furthermore, Conservation Groups claim that the renewable portions of both in basin alternatives guarantee renewable power, whereas the Proposed Project and the other transmission alternatives could deliver non-renewable energy, and likely will. Lastly, Conservation Groups state that the transmission alternatives have serious permitting issues with the Park Service, Forest Service, and potentially affected tribal governments.

17.4.3. Discussion

The All-Source Generation Alternative meets the first Basic Project Objective, to maintain reliability, and the third, to promote renewable energy development. While the EIR/EIS indicates that this alternative also meets the second Basic Project Objective, to reduce energy costs, because no party modeled the energy benefits of this alternative in the CPCN portion of the proceeding, that outcome is not clear.

With respect to the first Basic Project Objective, the All-Source Generation Alternative maintains SDG&E's reliability needs as determined in Section 7. With respect to the Second Basic Project Objective, the All-Source Generation Alternative delivers a generation portfolio similar to the Proposed Project without that transmission alternative's environmental impacts. However, while this alternative adds newer, more efficient in area generation to the existing generation mix in SDG&E's service territory, the cost of these additions may not

be competitive with the out of area resources that could be accessed via a new, high-voltage transmission line. Thus, the cost impacts are highly dependent upon assumptions about the costs of imported power and the cost of the new transmission line. With respect to the Third Basic Project Objective, even though the All-Source Generation Alternative does not facilitate delivery of power from new renewable sources in the Imperial Valley, it promotes renewable power development in the local San Diego area.

By definition, the All-Source Generation Alternative's environmental impacts generally occur in the more developed San Diego area, rather than in the remote and scenic areas through which the Proposed Project or other transmission alternatives would pass. The All-Source Generation Alternative results in reduced ground disturbance largely because gas fired generation would occur at sites already disturbed and only 11 miles of new transmission line would be built. This alternative minimizes environmental impacts to biological resources, visual resources, and wilderness and recreation. It has no impact on state parks or National Forest lands.

Significant, unmitigable impacts occur to water resources and public services due to use of water for evaporative cooling (unless dry cooling is used) and for particulate matter, ozone, and GHG emissions from natural gas combustion. Public health and safety impacts occur due to air emissions and use and storage of hazardous materials, including aqueous ammonia.

As the GHG discussion in Section 14 reflects, the Final EIR/EIS concludes that the All-Source Generation Alternative would cause substantially more GHG emissions than the Proposed Project and other transmission proposals. The Final EIR/EIS does not quantify these emissions and recognizes that the GHG impacts of generation alternatives will depend upon the type of projects developed (for

example, new fossil fuel facilities will exceed the GHG emissions associated with the construction of transmission alternatives).

SDG&E points to evidence that the Imperial Valley has a large potential for renewable energy projects,[638] contends it expects to meet RPS goals by contracting for renewable power there, and asserts that it has 731 gWh reliant upon Sunrise. As described in Section 12, SDG&E's Imperial Valley procurement is heavily dependent upon the success of the Stirling project, which has not yet been permitted. Consequently, SDG&E's argument that the generation facilities identified in the All-Source Generation Alternative are too uncertain applies also to the viability of the Stirling project. Moreover, the 300 MW that Stirling must produce to meet the first part of its contractual obligation is not significantly more than the 203 MW of renewable energy proposed under the All-Source Generation Alternative.

Some parties criticize all or parts of the All-Source Generation Alternative as being infeasible to permit. However, the EIR/EIS recognizes that these generation projects are representative and concludes that these projects or other, similar projects can be permitted in sufficient numbers and on a timely basis. Additionally, the in basin nature of this power removes much of the reliability concern that comes with long distance transmission lines, such as risks of multiple outages due to wildfires.[639]

Criticisms of the viability of specific projects in the All-Source Generation Alternative are over-stated. While the South Bay Replacement Project has been removed from the Energy Commission review process, the project proponent

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[638] SDG&E Phase 2 Opening Brief, 68-71.

[639] Draft EIR/EIS, E.6; Final EIR/EIS, General Response GR-1.

remains committed to the project and to its advancement.[640] Meanwhile, the existing South Bay Power Plant continues to provide 700 MW to meet SDG&E's reliability needs and it will continue to do so until CAISO releases it from Must Run obligations. The San Diego Community Power Project is in CAISO's interconnection queue; the biggest hurdle to its development is SDG&E's refusal to sign a power purchase contact with that project's proponents, despite their lowest cost bid in SDG&E's solicitation.[641] We find the Carlsbad Energy Center described in Section 6.7 to be viable and assume it will be online before Summer 2013 in our Analytical Baseline. Various peaker plants are at different stages of permitting and review, and while not all of them may be constructed, our findings regarding SDG&E's reliability needs confirm that SDG&E does not need any peakers to be online before 2017, assuming the Carlsbad Energy Center is online by Summer 2013 – if it does not come online then, there will be a need for 222 MW of new peakers by 2013. The potential for timely, incremental generation additions under this alternative minimizes permitting concerns.

17.5. In-Area Renewable Alternative

17.5.1. Description

The EIR/EIS determines that the In-Area Renewable Alternative is the second best alternative among the eight alternatives to the Proposed Project in terms of environmental impacts. This alternative is a combination of various San Diego area renewable projects that collectively could provide up to 1,000 MW of nameplate capacity generation by 2016. The renewable projects identified for the In-Area Renewable Alternative are illustrative of the types of projects that might be developed in the San Diego area, and the types of environmental impacts

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[640] South Bay Phase 2 Opening Brief, 5.

[641] Final EIR/EIS, General Response GR-1.

associated with such development. Like the All-Source Generation Alternative, because the In-Area Renewable Alternative analyzes more generation than needed to meet SDG&E's reliability needs until at least 2020, and because the proposed projects are proxies for other, similar projects of the type likely to be developed, no one project in this alternative is essential to the feasibility of the whole of this alternative.[642]

Four renewable sources comprise the alternative and the EIR/EIS identifies potential projects and potential locations for those projects based on a variety of assumptions:

- Solar thermal (290 MW) – potential development in the Borrego Springs vicinity; projected to be a parabolic trough plant design with a heat transferring fluid used to generate steam that is sent to a conventional steam turbine/generator;
- Solar PV (210 MW) – installation on residential, commercial and industrial building rooftops in San Diego County (approximately 60,000 residential systems and 255 commercial systems);
- Wind (400 MW) – one component of this source, the Kumeyaay project (46 MW), already is operational; the EIR/EIS estimates that approximately 7,263 acres on reservation and BLM lands in the San Diego area are available for additional wind development; and
- Biomass/biogas resources[643] (100 MW) – this source includes three projects: expansion of existing biogas production at the Miramar Landfill Cogeneration Facility (for an additional 3 MW), construction of a biomass facility near the Miramar Landfill (for an additional 26 MW), and construction of a biomass facility near Fallbrook (67 MW).[644]

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[642] Compliance Exhibit, SDG&E LnR Table – All-Source cases.

[643] Draft EIR/EIS, Sec. E.5.1.3.

[644] Draft EIR/EIS, Sec. E.5.1.3.

17.5.2. Parties' Positions

SDG&E asserts that the In-Area Renewable Alternative is infeasible because it is unduly speculative and cost prohibitive, because timely permits cannot be obtained, and because it will not meet reliability or RPS goals. SDG&E asserts that this alternative, like the All-Source Generation Alternative, is contrary to planning principles articulated by CAISO and past Commission decisions and will require major new transmission system upgrades.

More particularly, SDG&E claims that: the San Diego area only holds 155 MW of dependable renewable energy potential; this alternative's solar thermal component would require a new 230 kV transmission line through Anza-Borrego; solar PV cannot be installed at the rate detailed in the EIR/EIS and is unrealistic; wind resources are speculative and hard to site and develop; and the biomass component is doubtful at best. Given that 80% of the energy from the In-Area Renewable Alternative comes from intermittent technologies, SDG&E claims that it cannot be used to meet reliability needs. SDG&E asserts that providing firm capacity would require either expanding the In-Area Renewable Alternative or building back up generation plants. Finally, SDG&E claims the In-Area Renewable Alternative costs too much. SDG&E estimates the cost to include over $1 billion in transmission upgrades alone, plus the need to purchase backstop generation and claims the renewable generation portion of the alternative will cost between $661 million to $2.1 billion over the purchase price of out-of-basin renewable projects utilizing the Proposed Project.

CAISO's criticisms of the In-Area Renewable Alternative are similar to its criticism of the All-Source Generation Alternative. CAISO contends the alternative is too speculative, will not meet reliability goals, is infeasible due to a 1,150 MW dispatch limit for generation on the Imperial Valley to Miguel

Substation portion of the Southwest Powerlink, and fails to meet project objectives.

Powers Engineering supports, in concept, the feasibility of the In-Area Renewable Alternative, but proposes a different mix of resources that promotes additional local solar PV. Whereas SDG&E estimates the San Diego area's dependable renewable energy potential at only 155 MW, Powers Engineering asserts San Diego has 7,400 MW of solar PV alone and argues that the projections in the In-Area Renewable Alternative should be expanded, given the large number of available solar PV business/industrial sites in San Diego. Powers Engineering also proposes a renewable energy park, containing 1 to 10 MW solar PV systems at or near existing or future transmission lines and substations. Powers Engineering claims such energy parks could lead to development of 290 MW of concentrated solar PV; this amount, together with 920 MW of solar PV from commercial and residential installations, provides a viable substitute for the Proposed Project, Powers Engineering argues.

Powers Engineering characterizes SDG&E's solar PV cost estimates as outdated and highly inaccurate, and contends that the true cost of solar PV is one third the utility's estimate. Moreover, Powers Engineering states the existing 69 kV rural grid in San Diego County could accommodate this generation without new lines or upgrades. In addition, Powers Engineering argues this resource is CEQA exempt, would not require construction of transmission facilities, and does not have large land use or recreational impacts. Powers Engineering also claims that 920 MW of solar PV can be online by 2016 and that battery storage for this increment will allow nameplate capacity to be firm on-peak capacity, add only about 10% to the cost, and replace the geographically remote renewable projects in this alternative, thereby avoiding the need for new

transmission facilities to reach those distant sites. According to Powers Engineering, energy efficiency, demand response, and other in basin generation projects can address SDG&E's reliability needs. Finally, Powers Engineering argues that the solar thermal plant component of the In-Area Renewable Alternative is infeasible due to its water usage needs which would increase the local, already over-drafted, aquifer withdrawal by around 10%.

UCAN contends that the No Project Alternative is superior to the In-Area Renewable Alternative but notwithstanding this position, UCAN reiterates the concerns it raises about the solar PV portion of the All-Source Generation Alternative -- SDG&E's cost estimates for solar PV are grossly inflated, its energy conversion factor is wrong, and contrary to SDG&E's assertions, San Diego has sufficient commercial rooftop to support large scale solar PV deployment.

Conservation Groups contend that the In-Area Renewable Alternative is inherently more reliable that any project that requires transmission lines through remote areas, avoids many of the environmental impacts of the Proposed Project, guarantees renewables will be developed, and is less costly than the Proposed Project.

17.5.3. Discussion

The In-Area Renewable Alternative, like the All-Source Generation Alternative, largely meets the first and third Basic Project Objectives – reliability and renewables development, respectively. While the EIR/EIS indicates that this alternative also meets the second Basic Project Objective, to reduce energy costs, because no party modeled the energy benefits of this alternative in the CPCN portion of the proceeding, the outcome is not clear. With respect to the third Basic Project Objective, though this alternative promotes renewable power

development in the in basin San Diego area, it does not facilitate delivery of power from new Imperial Valley renewables.

The In-Area Renewable Alternative creates fewer environmental impacts than the Proposed Project or other transmission alternatives but significant impacts result from extensive ground disturbance, habitat loss, and the visibility of the large wind and solar thermal components. Ground disturbance and habitat loss result from project construction, as well as construction of 47 miles of associated, new transmission lines. The solar thermal component creates significant visual and recreation impacts on the Borrego Springs, which is highly visible from surrounding Anza-Borrego Wilderness areas. The In-Area Renewable Alternative has no impact on National Forest lands. Because this alternative consists solely of renewables, it would result in substantial GHG emission reductions compared to the transmission alternatives, though the Final EIR/EIS does not quantify those differences.

San Diego's service area contains sufficient renewable resources to pursue this alternative. Aggressive projections show that the San Diego region has approximately 7,400 MW of solar PV potential on commercial and residential structures;[645] more modest projections show a potential for over 4,100 MW of solar rooftop PV.[646] Regardless of the wide range between these estimates, even the low end represents substantial potential. As of January 2006, SDG&E had 18 MW of solar PV installed in its service area;[647] SDG&E's recently filed solar PV application seeks authority for 77 MW,[648] and SDG&E has acknowledged that its

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[645] Powers Engineering Phase 2 Opening Brief, 7.

[646] UCAN Exhibit U-93, 1.

[647] UCAN Exhibit U-93, 1.

[648] A.08-07-017.

service area could support a program similar to one that Edison has proposed (250 MW, with the potential to expand to 500 MW).[649]

In response to parties' claims that in-area renewable development is not feasible within the time frame required to meet SDG&E's reliability needs, our reliability findings conclude that SDG&E does not need the generation in this alternative to be online until 2014, at the earliest. The In-Area Renewable Alternative's potential for timely, incremental generation additions as early as 2010 minimizes permitting concerns.

17.6. LEAPS Transmission-Only Alternative

17.6.1. Description

The EIR/EIS evaluates two LEAPS projects as alternatives to the Proposed Project: the LEAPS Transmission-Only Alternative[650] and the LEAPS Generation Plus Transmission Alternative, which is the subject of Section 17.9, below. The LEAPS Transmission-Only Alternative is identical to the TE/VS project proposed by the Elsinore Valley Municipal Water District and Nevada Hydro, which is pending at the Commission as A.07-10-005. We describe the TE/VS project, and its companion generation proposal, the Lake Elsinore Pumped Storage Project, in greater detail in Section 6.14.4.

The EIR/EIS concludes that the LEAPS Transmission-Only Alternative is the third most environmentally superior alternative to the Proposed Project. It is the shortest transmission alternative, consisting of 32 miles of new 500 kV line connecting SDG&E and Edison service areas, as well as upgrades to 48 miles of 230 kV line; the interconnection with Edison would create a second extra-high voltage link between SDG&E's system and the CAISO grid.

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[649] SDG&E Exhibit SD-115; SDG&E Exhibit SD-116.

[650] Evaluated in Section E.7.1 of the Draft EIR/EIS.

17.6.2. Parties' Positions

SDG&E contends that a number of factors make the LEAPS Transmission-Only Alternative infeasible or even illusory; CAISO and Jacqueline Ayers echo these criticisms. Some parties also argue that the EIR/EIS understates the environmental impacts of the LEAPS Transmission-Only Alternative or that the EIR/EIS fails to fully analyze those impacts. Though the premises are different, both arguments lead to the same claim - that the comparative impact analysis among the various project alternatives is skewed by the analysis of this alternative. Nevada Hydro asserts that the LEAPS Transmission-Only Alternative will provide a viable conduit for delivery of geothermal energy produced in the Imperial Valley once other, pending transmission line projects have been completed and that therefore, this alternative adequately addresses all Basic Project Objectives.

On the issue of feasibility, SDG&E points to several factors: uncertainty over Nevada Hydro's intentions regarding the larger proposed LEAPS Project (i.e., the LEAPS Generation and Transmission Alternative); potential delays and uncertainties in the state and federal permitting processes, which now will not allow start-up before 2011 or 2012 at the earliest; and the costs of the LEAPS Transmission-Only Alternative, which SDG&E estimates to approach $968 million.[651] SDG&E and CAISO also contend that additional costs will be incurred to accommodate this alternative because technical factors and existing system parameters within SDG&E's service area severely limit the alternative's actual import capacity. SDG&E claims that these system limitations can be overcome only by upgrades costing in the range of $1.5 billion (for 500 MW

[651] See SDG&E Phase 2 Opening Brief, 205-210.

capacity) to $1.8 billion (for 1,000 MW capacity). Jacqueline Ayers advances variations of some of these arguments.

Nevada Hydro disputes the foregoing contentions and estimates the actual cost of the LEAPS Transmission-Only Alternative at approximately $350 million in 2006 dollars. Nevada Hydro further argues that the evidence does not support the contentions of the other parties concerning costs and technical issues, or is refuted by other evidence, including evidence offered by Nevada Hydro. SDG&E and other parties point out that Nevada Hydro's own contentions lack detailed factual or analytical support.

Jacqueline Ayers, in particular, contends that the EIR/EIS understates the wildfire impacts of the LEAPS Transmission-Only Alternative and fails to consider impacts beyond fire shed boundaries. SDG&E contends that the EIR/EIS overstates the actual impacts (particularly after application of proposed mitigation measures) of both the Proposed Project and the "Enhanced" Northern Route, which causes the LEAPS Transmission-Only Alternative to be ranked too highly.

Finally, on the issue of deliverability of renewables, Nevada Hydro contends that once Imperial Irrigation District completes the proposed Coachella Valley-Devers 2 project, which will increase the transfer capability with the Edison system, the LEAPS Transmission-Only Alternative could deliver geothermal energy from the Imperial Valley. Imperial Irrigation District generally supports this argument. Nevada Hydro also contends that the new LEAPS interconnection would facilitate the delivery to SDG&E of energy from Edison's proposed Tehachapi Renewable Transmission Project, but SDG&E and other parties disagree. They stress that even assuming these connections to renewable resources are made, the LEAPS Transmission-Only Alternative at best

would be an unsatisfactory substitute for direct, immediate connection to Imperial Valley and other renewable energy sources – a connection which the Northern and Southern Routes provide.

17.6.3. Discussion

As well as being ranked third in terms of environmental superiority overall, the LEAPS Transmission-Only Alternative is the environmentally superior transmission alternative. With its new 500 kV transmission component limited to 31.8 miles, the LEAPS Transmission-Only Alternative is substantially shorter than the other transmission alternatives. Overall, the LEAPS Transmission-Only Alternative requires almost 100 fewer miles of new transmission line construction than the Final Environmentally Superior Northern Route and approximately 60 miles less than the Final Environmentally Superior Southern Route. Compared to these and the other transmission alternatives, the LEAPS Transmission-Only Alternative minimizes biological, visual, agricultural, cultural/historical, paleontological, transportation/traffic, air quality, water resources, geology/soils, socioeconomic and wildfire impacts.[652]

Like all of the transmission alternatives, the LEAPS Transmission-Only Alternative will have significant and unavoidable adverse impacts in some of these areas. In addition to more obvious construction-related impacts, for example, socioeconomic impacts occur when private properties along the right-of-way are acquired and impacts to cultural resources occur when Native American burial sites, currently unknown, are discovered during construction. While the majority of these unavoidable, significant impacts are temporary impacts associated with construction, some major impacts, particularly biological

[652] Draft EIR/EIS, Sec. H.5.3 and Table H-25.

and visual resource impacts, would be permanent. For example, the LEAPS Transmission-Only Alternative would be highly visible in Cleveland National Forest. In some other areas (land use, wilderness and recreation, noise, and public health and safety), this alternative ranks only second or third among all transmission alternatives. Nevertheless, on the whole, the balance of environmental considerations favors the LEAPS Transmission-Only Alternative over other transmission alternatives.

However, the LEAPS Transmission-Only Alternative still has a greater impact on the environment than the two generation-only or non wires alternatives. Specifically, this alternative has substantially greater wildfire risk. We disagree, however, with parties' contentions that the EIR/EIS understates the wildfire impacts of the LEAPS Transmission-Only Alternative. Even assuming greater weight were given to wildfire impacts and allowance were made for allegedly overstating the impacts of the Northern Route Alternatives, the LEAPS Transmission-Only Alternative remains the environmentally superior transmission line alternative among all those analyzed in the EIR/EIS.

The EIR/EIS concludes that the LEAPS Transmission-Only Alternative feasibly can accomplish the first Basic Project Objective (to increase reliability) and the second Basic Project Objective (to reduce energy costs). However, the CPCN record indicates that the LEAPS Transmission-Only Alternative only minimally meets these two Basic Project Objectives.

Regarding the first Basic Project Objective, while the LEAPS Transmission-Only Alternative would contribute to maintaining reliability in the San Diego area, it would do so at the expense of the Los Angeles area. Further, this alternative does not provide the same degree of reliability as the Proposed

Project, since without substantial additional network upgrades, the transfer capability will be significantly less than 1,000 MW.

Regarding the second Basic Project Objective, the CPCN record provides no evidence that the LEAPS Transmission-Only Alternative will generate sufficient cost savings to result in net savings to customers in the region.

Therefore, upon consideration of the record as a whole, we do not find substantial evidence that this alternative adequately can meet any of the Basic Project Objectives, and need not consider it further at this time, despite its apparent environmental advantages over all other transmission alternatives. The LEAPS Transmission-Only Alternative is best considered as a potential, future, additional regional project and we reach no conclusion today about its technical, economic and environmental merits. Thus, our decision does not prejudge any portion of the project, which is the subject of A.07-10-005.

17.7. Final Environmentally Superior Southern Route

The EIR/EIS evaluates a number of alternatives that parallel a portion of the Southwest Powerlink in order to bring Imperial Valley renewables to San Diego from the south. These alternatives completely avoid Anza-Borrego, while providing a transmission-based approach to meeting all Basic Project Objectives. We refer to these routes collectively as the "Southern Route Alternatives" or "Southern Routes" to identify the transmission "spine" that, if built, would bring power from the Imperial Valley to San Diego via a southern path that avoids Anza-Borrego. The Final EIR/EIS determines the Final Environmentally Superior Southern Route to be the preferred Southern Route.[653]

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[653] For a detailed description of the Final Environmentally Superior Southern Route, see Final EIR/EIS, ES.7.2.

Commission staff and BLM identified a series of potentially feasible Southern Routes and alternatives to certain segments of these routes for analysis in the EIR/EIS. The process involved consultation with SDG&E, numerous federal, state and local agencies, Native American tribes, and members of the public. The Final Environmentally Superior Southern Route, like all of the Southern Routes analyzed in the EIR/EIS, begins at the Imperial Valley Substation and ends at Proposed Project milepost 131, where it then follows the Proposed Project west to the Sycamore Canyon Substation. West of that substation, the Final EIR/EIS replaces the Proposed Project with the environmentally superior Coastal Link Upgrades Alternative Revision.[654] There are many hybrid routing combinations that could constitute a Southern Route.

17.7.1. Parties' Positions

SDG&E raises numerous concerns about any Southern Route that requires the crossing of tribal lands or incompatible Forest Service land use zones.[655] Conservation Groups contends that a finding of infeasibility for a route across the Campo Reservation must be supported by evidence of a good faith effort to pursue all reasonable negotiation options between SDG&E and the Tribe.[656] SDG&E also expresses concern about the potential for any Southern Route to have an environmental impact on cultural resources along the segment referred to as the Interstate 8 Alternative.

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[654] Recirculated Draft EIR/Supplemental Draft EIS, Sec. 3.2.3, Sec 5.2.

[655] SDG&E Phase 2 Opening Brief, 141-143.

[656] Conservation Groups Phase 2 Reply Brief, 15.

17.7.2. Discussion

The Final EIR/EIS ranks the Final Environmentally Superior Southern Route fourth among all the alternatives studied, below the LEAPS Transmission-Only Alternative but above the Final Environmentally Superior Northern Route and other Northern Routes. Running a total of 123 miles, this alternative is substantially shorter than the Proposed Project or other Northern Routes and avoids Anza-Borrego. It crosses 19.2 miles of National Forest land but does so within acceptable land use zones and makes use of a Draft Department of Energy Section 368 West-wide Energy corridor.[657] In addition, the alternative is collocated with the Southwest Powerlink for only 36 miles, in an area of comparatively low fire risk.

The Final EIR/EIS modifies the route proposed in the Draft EIR/EIS to avoid both the Campo and La Posta Reservations.[658] Having reviewed the requirements for finding a route through the Campo Reservation infeasible and the case cited by Conservation Groups to support their argument,[659] we have determined that routing a transmission line across the Campo Reservation is legally infeasible given the Campo Tribe's refusal to grant the necessary

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[657] The Energy Policy Act of 2005, Section 368, required designation of energy corridors on federal lands.

[658] The Final Environmentally Superior Southern Route could still cross Viejas land if any additional concerns about the eastern end of Alpine Boulevard are identified through additional tribal consultation between the Viejas Tribe and BLM prior to construction based on preliminary cultural resources investigations. (See additional explanation in Draft EIR/EIS, Sec. H.4.5.)

[659] The opinion cited by the Conservation Groups, *Center for Biological Diversity v. Rey* (9th Cir. 2008) 2008 WL 2051072, has been amended and superseded by *Sierra Forest Legacy v. Rey* (9th Cir. 2008) 526 F.3d 1228. We have considered both of these opinions.

easement and the fact that neither SDG&E nor the Commission has the authority to impose or implement a route through this land.[660]

The Final Environmentally Superior Southern Route also contains modifications to avoid Forest Service land use zones that do not allow transmission lines or new access roads. Commission staff and BLM consulted extensively with the Forest Service and SDG&E to identify route modifications within Cleveland National Forest to minimize impacts to Forest Service resources and avoid incompatible land use zones.

Though the Final EIR/EIS acknowledges SDG&E's concern about the potential for cultural resource impacts along the Interstate 8 Alternative segment, further research into the site descriptions and boundaries of the cultural site previously identified as being within Alpine Boulevard show that the site does not extend south of Interstate 8, and would not be affected.[661] As a result, the Star Valley Option, which would have significant visual impacts, would not be included as part of the Final Environmentally Superior Southern Route. However, the Star Valley Option (as modified by SDG&E reroutes described in the Star Valley Option Revision) still could be used if additional concerns about the eastern end of the Alpine Boulevard are identified through any additional tribal consultation prior to construction based on the preliminary cultural resources investigations. Therefore, the Final Environmentally Superior Southern Route retains the entire Interstate 8 Alternative segment underground in Alpine Boulevard.

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[660] See Pub. Resources Code § 21004.

[661] Final EIR/EIS, Sec. 4, responses to Comment Set F008 (Viejas Tribe).

17.8. Northern Routes

We describe the Proposed Project, "Enhanced" Northern Route, and the Final Environmentally Superior Northern Route in Section 3.2, and discuss the environmental impacts of each of these Northern Routes in Section 15. We find that the unmitigable significant, environmental impacts of the three Northern Routes on Anza-Borrego cannot justify their construction.

17.9. LEAPS Transmission Plus Generation Alternative

As described more fully in Section 6.14.4 and noted in Section 17.6, the LEAPS Generation and Transmission Alternative[662] includes the LEAPS Transmission-Only Alternative, also known as the TE/VS project and the Lake Elsinore Pumped Storage Project.

Based on its environmental impacts, the LEAPS Generation and Transmission Alternative is the lowest ranked of all the alternatives -- the EIR/EIS ranks it below the Proposed Project. This alternative has the same environmental impacts as the LEAPS Transmission-Only Alternative, with the added impacts created by the construction and operation of the proposed 500 MW pumped storage facility. Consequently, given the record as a whole, and our decisions here regarding the LEAPS Transmission-Only Alternative, we do not address this alternative further.

17.10. No Project Alternative

17.10.1. Description

The No Project Alternative envisions a range of options likely to occur in the event Sunrise is not built and identifies the environmental impacts of the No Project Alternative based on that range of options. The EIR/EIS concludes that

[662] Evaluated in Section E.7.2 of the Draft EIR/EIS.

without Sunrise, the following actions are likely to occur in the foreseeable future:

- Existing transmission and generation facilities will continue to operate until other major generation or transmission projects can be developed.
- Electricity consumption and peak demand within the SDG&E service territory will continue to grow. To serve this growth, additional electricity will need to be generated within San Diego County or imported by existing or modified facilities.
- Certain demand-side or supply-side actions likely will occur beyond the levels currently planned by SDG&E. Demand-side actions include increased levels of energy conservation (energy efficiency) or load management (demand response). Supply-side actions include development of new generation, whether conventional, renewable, or distributed generation, as well as construction of other major transmission projects.

Thus, the EIR/EIS assumes that, in the absence of Sunrise, the San Diego area will see the pursuit of a combination of generation and transmission actions, which likely will include components of the All-Source Generation, In-Area Renewable, and LEAPS Transmission-Only Alternatives.

17.10.2. Parties' Positions

SDG&E recognizes that the No Project Alternative contains aspects of the In-Area Renewable, All-Source Generation, and LEAPS Transmission-Only Alternatives and consequently states the same concerns about the No Project Alternative, characterizing it as infeasible, overly costly, unable to meet reliability needs, and likely to create more environmental damage than the Propose Project with regard to GHG emission impacts.

Like SDG&E, CAISO states that the No Project Alternative contains many of the drawbacks of the All-Source Generation, In-Area Renewable, and LEAPS

Transmission-Only Alternatives, including an inability to deliver renewable energy to SDG&E or to meet reliability needs.

UCAN states that the EIR/EIS fails to identify and consider factors that would reduce the environmental impacts of the No Project Alternative. According to UCAN, upgrades to Path 44, modifications at the Miguel Substation, and increases in energy efficiency and distributed generation beyond that envisioned in the Draft EIR/EIS are realistic assumptions, and would minimize the No Project Alternative's environmental consequences. More particularly, UCAN argues that a Path 44 upgrade is likely to occur due to other already proposed system upgrades and will increase SDG&E import capacity by 350 MW and that increasing the Miguel Substation capability to 1,900 MW would increase SDG&E's ability to import renewables from the Imperial Valley.

17.10.3. Discussion

Our conclusions with respect to the All-Source Generation and In-Area Renewables apply here. The fossil fired and renewable in-area generation identified in these EIR/EIS alternatives is neither unrealistic nor unduly speculative and sufficient levels of both can be brought online in time to meet SDG&E's reliability needs, which we find to be less urgent than SDG&E asserts. Since only about 1,000 MW of in basin generation or transmission import capacity is necessary to replace the Proposed Project, and since a combination of the two top ranked alternatives can provide that amount, the No Project Alternative has adequate resources. Therefore, it meets the first and third Basic Project Objectives. Given the CPCN record, however, the No Project Alternative may not reduce the cost of energy in the region, which is the second Basic Project Objective. Unlike the parties, we do not factor development of the LEAPS Transmission-only Alternative into our assessment of likely development under

the No Project alternative because as discussed in Section 17.6, we find that the CPCN record renders the LEAPS Transmission-only Alternative less attractive economically than the EIR/EIS suggests.

17.11. Conclusions Drawn from Environmental Review

As discussed in Section 9 above, we find that there are viable means for SDG&E to maintain system reliability without the destructive impacts that the transmission alternatives evaluated in the EIR/EIS would cause. Further, Sunrise is not necessary for SDG&E's 2010 20% RPS compliance and, for the near term, there is adequate existing and planned transmission capacity from the Imperial Valley to the CAISO grid. Nevertheless, the evidence suggests that, over time, this transmission capacity may need to be increased. Therefore, we have carefully considered the environmental impacts of the routes that could serve this purpose: the Northern Route Alternatives and the Final Environmentally Superior Southern Route. The Final EIR/EIS is a comprehensive document and contains an adequate and accurate analysis of the environmental impacts of the Proposed Project and all alternatives. We conclude that the significant environmental impacts of the Northern and Southern Route Alternatives strongly militate against authorizing the construction of any of them.

18. Certification of the Final EIR

Before approving an application for a CPCN, the Commission must certify the Final EIR.[663] Although we do not approve SDG&E's CPCN application, we herby certify that:

[663] CEQA Guidelines § 15090.

- The Final EIR/EIS has been completed in compliance with CEQA.
- The Final EIR/EIS was presented to the Commission, and the Commission has received, reviewed, and considered the information contained in the Final EIR/EIS.
- The Final EIR/EIS reflects the Commission's independent judgment and analysis.

The certification extends to the EIR/EIS's analysis of connected actions, indirect effects, and potential future transmission expansion, which we have received, reviewed, and considered in making our decision on this project.

19. Community Values and Other Requirements Pursuant to Public Utilities Code Section 1002(a)

As discussed above in Section 4.2, in addition to the effect of a project on the environment, and park and recreation values, Public Utilities Code Section 1002(a) requires us to consider community values and historical and aesthetic values. The most extensive record on these issues, apart from the impacts on Anza-Borrego which we discuss in Section 15, concerns the impacts that would result from siting the Inland Valley Link of the Northern Route Alternatives near Mussey Grade Road (in the vicinity of Ramona), and impacts that other routing Links (see Section 3.2.1) would have on agricultural communities. We also address community values articulated at Public Participation Hearings by residents of the San Diego back country.

19.1. Mussey Grade Road and Backcounty Areas

The record on community values has been developed largely through public input – testimony at Public Participation Hearings and written comment (letters and emails), the latter generally sent to the Commission's Public Advisor's Office or provided through the EIR/EIS process. Mussey Grade, an association of people who live in the Mussey Grade Road area near Ramona, in

West-Central San Diego County, participated in the Phase 1 and Phase 2 hearings as a party. Overwhelmingly, the public statements, like Mussey Grade's participation, register opposition to the Proposed Project and other transmission alternatives. Many have asked whether SDG&E was not seeking to apply a 20th century solution to a 21st century problem.

Understandably, people are interested in protecting their local environment, the quality of its aesthetic experience and, in some instances, the value of their property. However, while self-interest may motivate some of the opposition to the Proposed Project, much of the opposition has arisen from an altruistic spirit, environmental concerns going beyond immediate locales, and deep reverence for nature. For example, Mussey Grade, which strongly protests construction of the Proposed Project's Inland Valley Link, argues that "[t]he community values of Mussey Grade Road are antithetical to this proposed massive power line project and it is inappropriate to route a transmission line through historic rural communities.[664] Mussey Grade offered testimony of several long-time residents about the community, historical and aesthetic values of the area. One person stated:

> Life here is uncomplicated. The people I know along Mussey Grade Road all have this common sense of possessiveness about the road, about the land and about the way we live. There's much more involvement in nature and in the preservation of the wild areas and the wild animals. There's a love for the land and a respect – I have the sense that there are roots growing into the ground from my feet – a sense of being rooted and loved altogether. And regarding the landscape, as one of our friends said, 'There's an Ansel Adams out every window."[665]

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[664] Mussey Grade Phase 1 Opening Brief, 37-39.

[665] Mussey Grade Exhibit MG-3, 3:4-10.

Another person described the people who are attracted to the area:

> The people are individualist, yet interested in maintaining a closer-knit group, especially in regard to the preservation of Mussey Grade and its environment. The residents have common causes such as wildland fire protection and deep environmental concerns.[666]

Another individual described the strong community involvement in issues that affect the area:

> Whenever an issue arose, like the proposed off-road vehicle park that a group wanted to put in, we fought it and won and then the land it was going to be on became part of the Boulder Oaks County Open Space Preserve. When there was a road proposed to go to Barona Indian Reservation, we fought the idea and prevailed. When it was determined that people were speeding on Mussey Grade Road, we got the speed limit reduced. When we felt there was a threat to the historic oak trees along the road that might be cut down, we got the road designated as a historical point of interest by the state. This road used to be a stagecoach road from San Diego to the gold mines in Julian. And now we are fighting the Sunrise Powerlink.[667]

The website maintained by the Mussey Grade Road community at www.musseygraderoad.org, provides a tangible example of "community values" and includes photographs of community landmarks and scenic areas.

SDG&E has stated that it considered various community values in the siting and development of the Proposed Project.[668] SDG&E contends that it has undertaken a comprehensive and extensive public outreach plan, seeking input from both the public and project stakeholders, including residential and commercial customers, community and business leaders, environmental groups,

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[666] Mussey Grade Exhibit MG-4, 2:5-8.

[667] Mussey Grade Exhibit MG-2, 4:1-10.

[668] SDG&E Phase 1 Reply Brief, 132.

and elected officials.[669] SDG&E states that these efforts sufficiently addressed community values pursuant to § 1002 and notes that from a procedural perspective, the 2006 Application has involved an extensive community outreach process.[670]

Regardless of the extent of SDG&E's outreach program, the Proposed Project is very much at odds with the community values of the residents who live near Mussey Grade Road and other backcountry areas. There always will be trade-offs between the desire to protect such communities and the need to expand infrastructure. The challenge is compounded by the tension between those who believe that the Proposed Project is needed to support renewable development in California, and those who believe there are better ways to achieve renewable goals. Here, however, given the significant, unmitigable environmental impacts of the Sunrise transmission alternatives, the strong public opposition apparent in the record on community values reinforces our conclusion to deny a CPCN.

19.2. Agricultural Community Values

Imperial Irrigation District and Farm Bureau focus on Northern Route segments outside Anza-Borrego and express concern about impacts to agricultural lands in Imperial Valley.[671] They argue it is wrong to harm the Imperial Valley agricultural community by siting a 500 kV transmission line on valuable agriculture land when less harmful alternative routes available. They

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[669] SDG&E Phase 1 Opening Brief, 176-177; SDG&E Exhibits SD-11, Ex. SD-12.

[670] SDG&E Phase 1 Opening Brief, 6, 7, 27-30, 176 and 177. SDG&E's PEA includes information regarding the approximately 350 communications and presentations SDG&E made to federal, state and local agencies, elected officials, community groups and the public prior to date, when the PEA was filed.

[671] Farm Bureau Phase 2 Opening Brief, 7-8.

contend the Proposed Project (and two other Northern Routes) cut through some of the Imperial Valley's most productive farmlands and would impose severe impacts upon farms, dairies, irrigation systems and other agricultural operations. Imperial Irrigation District and Farm Bureau argue that SDG&E has not adequately analyzed the true impact to farming in the Imperial Valley given the unique and complex system of irrigation canals and drains used there. Imperial Irrigation District supports only a Southern Route or alternatively, a route that was eliminated from further study early on, the Western Route in the Desert Link.[672] Imperial Irrigation District contends that the Eastern Route in the Desert Link unnecessarily affects farmlands, dairies and irrigation facilities in the community.[673]

SDG&E does not dispute that agricultural lands, dairies and irrigation systems have value or that we should consider this value along with other resources and values as we assess the merits of competing transmission route alternatives.[674] In fact, SDG&E claims that it "attempted to site the project to avoid impacting agricultural lands to the extent feasible."[675] To this end, SDG&E classified agricultural lands as a high to moderate constraint during its study of siting opportunities,[676] and the Proposed Project follows property boundaries and section lines of agricultural lands.[677] Also, in agricultural areas SDG&E switched

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[672] Imperial Irrigation District Phase 1 Opening Brief, 15-20.

[673] Imperial Irrigation District Phase 1 Opening Brief, 36.

[674] SDG&E Phase 1 Reply Brief, 138.

[675] SDG&E Phase 1 Reply Brief, 138.

[676] SDG&E Exhibit SD-11, Figures 18, 20 and 21.

[677] SDG&E Exhibit SD-9, 2-23 and Figure 4.1-1A; SDG&E Exhibit SD-11, Figure 16.

structure types from lattice towers to steel poles to reduce impacts.[678] As a result, impacts to agricultural land use are limited to structure footprints, access roads, and pull sites, not the entire right-of-way.

Gov. Code § 51238, also known as the Williamson Act, is in effect in Imperial County and provides that, unless otherwise specified by local regulations, plans or standards, the construction, operation and maintenance of electric facilities are compatible with other uses under the Williamson Act, including agricultural uses.[679] The applicable Imperial County plans and ordinances provide that electric facilities are either permitted uses or conditionally allowed uses in agricultural lands.[680] Moreover, SDG&E's prior projects, like the Southwest Powerlink in the Imperial Valley, demonstrate that linear transmission lines can be compatible with agricultural uses. Imperial Irrigation District itself owns transmission lines, maintains transmission lines, and has proposed transmission line upgrades through similar agricultural areas in Imperial County.

We find that SDG&E has adequately considered the concerns of the affected agricultural communities in siting the Proposed Project and this record applies equally to the two other Northern Routes. Therefore, a CPCN should not be denied on the basis of the Northern Routes' impacts on agricultural communities. Further, the record on agricultural values does not support denying a CPCN for a Southern Route.

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[678] SDG&E Exhibit SD-9, 2.3-1.

[679] SDG&E Exhibit SD-10, 5-1.7.

[680] SDG&E Exhibit SD-10, 5-1.7 to 5-1.8.

20. Miscellaneous Procedural Matters

We resolve all pending motions in the ordering paragraphs. Likewise, on our own motion, we formally receive in evidence certain exhibits that were overlooked during the press of hearing as well as additional, specified CAISO workpapers, and we receive as reference exhibits, the Draft EIR/EIS, the Recirculated Draft EIR/Supplemental Draft EIS, the Final EIR/EIS, and the Revisions to the Final EIR/EIS, which constitute the complete EIR/EIS prepared for Sunrise.

21. Comments on Proposed Decision

The proposed decision of the ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure.

On November 7, the Commission heard oral argument. Comments on the proposed decision were filed on November 20, 2008 by Cabrillo Power, CAISO, City of Santee, Conservation Parties, DRA, Mussey Grade, Nevada Hydro, SDG&E and UCAN, and also (pursuant to motions granted to afford them limited party status) by Geothermal Energy Association and Jam Investments, Inc. (JAM). Reply comments on the proposed decision were filed on November 25 by Conservation Parties, DRA, Nevada Hydro, SDG&E and UCAN.

We have corrected minor errors in the proposed decision, including inadvertent typographical errors and omissions, but have made no substantive changes other than to discuss more fully, in Section 4.3, the application of § 399.25 and to include mention, below, of the seismic risk attendant upon any Sunrise transmission line. Comments which disagree with the proposed decision largely reiterate party positions advanced previously at hearing and in briefs.

Most contend that the Commission should interpret law differently (e.g., § 399.25) or should weigh certain facts differently.

The record reflects that in addition to the wildfire risks discussed in Section 16 and Appendix C, any Northern or Southern Route Alternative faces seismic risks, including at the Imperial Valley Substation. UCAN's comments point to documentation in the record on the Imperial Valley's significant earthquake history, particularly on or near the San Jacinto Fault, which is one of the most seismically active areas in California (see UCAN's opening comments at 4). This seismic risk to SDG&E's import capacity further undercuts the merits of a Sunrise transmission line.

With respect to wildfire, Conservation Groups argue that we have failed to fully consider in this record the implications for Sunrise of the Cal Fire and CPSD investigations and reports on the 2007 San Diego fires. They request that we expressly rule on the January 18, 2008 *Motion of the Center for Biological Diversity, Sierra Club, Mussey Grade Road Alliance, and UCAN for Inclusion of the Fire Investigation Results in the Record.* Section 16 and Appendix C of today's decision, which discuss wildfire risks extensively, recognize both the Cal Fire and CPSD reports, and the EIR/EIS also references them. We are examining in three other, pending dockets whether any entity subject to our jurisdiction bears responsibility for those fires by failure to comply with existing laws, such as rules on vegetation maintenance, and whether prospective rules changes are necessary. See Investigation (I.) 08-11-006 and I.08-11-007 and Rulemaking 08-11-005. Any rule changes would apply to all applicable transmission lines. There is no need to include the results of those ongoing investigations into the record of this proceeding or otherwise consolidate those dockets with this

application. The draft decision denies Conservations Groups' motion as moot and there is no need to revise that disposition.

22. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner. Steven Weissman was assigned as the ALJ in this proceeding in August 2006 and Jean Vieth was co-assigned in August 2008.

23. Conclusion

After review of the entire record and for all of the reasons discussed above, on balance we conclude that we should deny SDG&E's request for a CPCN to construct Sunrise.

Findings of Fact

1. At the time the Commission's *Economic Methodology Decision* issued, SDG&E's 2005 Application had been pending for almost one year and CAISO's Board already had approved CAISO's economic evaluation of the Proposed Project. The assigned Commissioner never issued a ruling that elected to apply the rebuttable presumption in the *Economic Methodology Decision* to the economic analysis approved by CAISO's Board.

2. In the CPCN review at the Commission, CAISO has not relied upon the economic evaluation presented to its Board but has presented an entirely new economic analysis, which it developed during Phase 1 and 2 hearings. The assigned Commissioner never issued a ruling that elected to apply the rebuttable presumption in the *Economic Methodology Decision* to this new economic analysis by CAISO.

3. The CAISO Board-approved economic evaluation has become irrelevant. The subsequent CAISO economic evaluation does not fulfill the streamlining purpose of the *Economic Methodology Decision*, does not comply with CAISO' own

TEAM criteria nor with the principles and minimum requirements of the *Economic Methodology Decision,* and granting a rebuttable presumption at this stage would be fundamentally unfair to the other parties.

4. For purposes of developing an Analytical Baseline for determining the energy benefits, reliability benefits, and RPS compliance savings estimates generated by all of the Sunrise alternatives, it is reasonable to adopt CAISO's modeling approach to quantifying energy benefits, reliability benefits, and RPS compliance savings and to use CAISO's final Phase 2 modeling assumptions with the following deviations:

(a) use the Energy Commission staff's November 2007 Forecast of 1-in-10 peak demand, including its embedded assumptions for the California Solar Initiative, energy efficiency, and other distributed generation;

(b) adjust the November 2007 Forecast by including the demand response savings we approved in SDG&E's most recent Long Term Procurement Plan;

(c) assume that the existing South Bay Power Plant will retire by December 31, 2012 or the end of the year in which Sunrise comes online, whichever is earlier;

(d) assume 540 MW from the Carlsbad Energy Center will come online in the summer of 2013, resulting in a net increase of 222 MW;

(e) assume only 25% of the new coal fired generation identified in the SSG-WI database will come online and that combined cycle resources will be used to replace the canceled coal plants;

(f) assume that at least 50% of the out-of-state renewables identified by the CAISO for its RPS Cost Savings modeling will be available to California;

(g) adopt CAISO's initial renewable cost estimates;

(h) assume the implementation of UCAN's Miguel Import Limit Upgrade;

(i) assume Imperial Irrigation District's Path 42 increased rating and upgrades (reflecting a transfer capability of 1,200 MW) and its Dixieland-Imperial Valley line;

(j) assume Rancho Peñasquitos' proposed Coastal Link Alternative;

(k) assume combustion turbine costs to be $120/kW-year (2007$, escalated at 2% per year) including a transmission cost adder of 35.2% for new combustion turbines; and

(l) assume SDG&E's estimated capital costs for all of the Sunrise alternatives, and SDG&E's 58-year amortization period for the Sunrise transmission alternatives, but assume UCAN's projected operating and maintenance costs of $26.3 million per year, which will add $22.4 million per year to SDG&E's projected costs for the various Sunrise routes.

5. A review of Path 44's rating is warranted given the passage of time since the last review and given UCAN's credible evidence that an increase in Path 44's rating may be possible.

6. Table 5 in Section 7.1.2 of this decision reasonably projects, based on our adopted Analytical Baseline assumptions, the "reliability need" for SDG&E's service area.

7. Based upon our adopted Analytical Baseline assumptions, SDG&E's service area has no reliability need for new resources before 2014 and has a surplus of capacity of 773 MW in 2010, 698 MW in 2011, 624 MW in 2012, and 55 MW in 2013. SDG&E's service area shows a reliability need for new resources starting at 22 MW in 2014 and 95 MW in 2015, with a total of 456 MW by 2020.

8. SDG&E has placed more than enough in-state, north of SONGs projects on the short list to fulfill its entire RPS obligation through 2010.

9. The Compliance Exhibit energy benefits estimates of $5 million per year under 20% RPS and $18 million per year under 33% RPS are the most reasonable estimates in the record.

10. We find that the combustion turbine costs assumed by CAISO are too high; using CAISO's modeling methodology and our adopted Analytical Baseline assumptions produces reasonable estimates of reliability benefits for Sunrise of $156 million per year.

11. Construction of Sunrise will generate $90 million in RPS compliance costs under 20% RPS, based on the following reasonable inputs and modeling adjustments: using CAISO's CRS Renewable Costs in our adopted Analytical Baseline, assuming 50% of out-of-state renewable resources will be available to California; and removing a modeling limitation in the Compliance Exhibit that did not allow calculation of RPS compliance costs, only RPS compliance savings.

12. Our Update to the Compliance Exhibit corrects for discovered errors and makes adjustment in response to comments by parties in order to reasonably analyze the Compliance Exhibit's 4 cases against the Analytical Baseline assumptions. The Update reasonably makes the following adjustments to the Compliance Exhibit:

(a) adjusts the amount of in-area renewables in the All-Source Generation Alternative, thereby changing the distribution of renewables throughout the WECC, consistent with CAISO's assumed supply curves;

(b) subtracts $367 million per year from the assumed capital cost of the All-Source Generation Alternatives in each scenario to address the 37 MW of solar PV already paid for in the California Solar Initiative program;

(c) assumes combustion turbine costs to be $120/kW-year (2007$, escalated at 2% per year) and to include a transmission cost adder of 35.2% for new combustion turbines; and

(d) adds $22.4 million per year to the assumed costs of SDG&E's "Enhanced" Northern Route and the Draft EIR/EIS Environmentally Superior Southern Route to raise the CAISO's assumed operating and maintenance costs of

$3.9 million to our adopted Analytical Baseline assumption of $26.3 million per year.

13. Sunrise is not necessary for SDG&E to meet its 2010 RPS goal of 20%.

14. The CAISO modeling, the Compliance Exhibit, and our Update all confirm that Sunrise is not economic under 20% RPS; it could result in significant costs.

15. There is a tremendous amount of uncertainty regarding conclusions reached by the models used in this case.

16. Neither SDG&E nor CAISO provided a systematic analysis regarding the sensitivity of the projected economic benefits of Sunrise under uncertainty; their alternative efforts do not meet or substitute for the requirements of our *Economic Methodology Decision*, Decision 06-11-018.

17. The potentially significant construction-related GHG impacts from Sunrise can only be justified if there is assurance that the line will deliver significant amounts of renewables, rather than fossil fired resources.

18. Approval of Sunrise under 20% RPS is contrary to our GHG emission reduction goals, and may serve to undermine those goals by facilitating the sale of coal fired generation to California.

19. Anza-Borrego's General Plan, which governs State Parks' management of the Anza-Borrego, does not provide an exemption from its mandate for construction and maintenance of a major transmission line like the Proposed Project.

20. If State Parks determined that any Northern Route through Anza-Borrego was inconsistent with the existing Anza-Borrego General Plan, the State Parks and Recreation Commission would have to exercise its discretionary authority to adopt revisions to the General Plan to allow the siting and construction of this

kind of project before State Parks could issue any permits, which would cause substantial delay.

21. The Proposed Project's Anza-Borrego Link will require de-designation of 50.2 acres of state wilderness; other Northern Routes would have a lesser, direct impact on wilderness but still might require de-designation of some wilderness land.

22. Because SDG&E, BLM, Imperial Irrigation District and State Parks contest the width and continuity of the existing easement through Anza-Borrego, any approval of a Northern Route likely would lead, at minimum, to a complex and significant debate over the legal status and rights associated with easements through Anza-Borrego, and would cause substantial delay.

23. Any Northern Route would have massive significant and unmitigable environmental impacts on Anza-Borrego; be contrary to community values – both those of the people who visit Anza-Borrego, as well as the values embodied in our state laws protecting areas like Anza-Borrego; be permanently detrimental to recreational and park areas within Anza-Borrego; and have permanent and negative impacts on historical and aesthetic resources in Anza-Borrego.

24. Though high-voltage lines present a lower fire risk than lower voltage lines, given the fire-prone San Diego landscape there is an increased risk of fire, with potential reliability impacts, from both the Northern and Southern Route Alternatives.

25. Both single, isolated fires and conflagrations of multiple fires have the potential to cause a transmission line outage. Concurrent failure of the Proposed Project (or other Sunrise transmission alternative) and the existing Southwest Powerlink, whether due to one fire or simultaneous fires, raises reliability concerns.

26. While the fire history suggests a concurrent outage involving the Southwest Powerlink and the Environmentally Superior Southern Route is more likely than one involving the Environmentally Superior Northern Route, a dual line outage could occur whether or not a new transmission line is collocated with the Southwest Powerlink, since special proximity is not the only indicator of a concurrent outage.

27. Given the lack of need for any of the transmission alternatives, the attendant wildfire risks reinforce our conclusion to deny a CPCN for Sunrise.

28. The Proposed Project and the Sunrise alternatives all have environmental impacts greater than or equal to the No Project Alternative, and all of the transmission line alternatives have greater, adverse impacts on the environment than the generation-based alternatives. The magnitude of these environmental impacts reinforces our conclusion to deny the CPCN for Sunrise.

29. In the absence of Sunrise, the San Diego area will see the pursuit of a combination of generation and transmission actions, which likely will include components of the All-Source Generation Alternative and In-Area Renewable Alternative. The fossil fired and renewable in-area generation identified in these alternatives is neither unrealistic nor unduly speculative and sufficient levels of both can be brought online in time to meet SDG&E's reliability needs. Since only about 1,000 MW of in basin generation or transmission import capacity is necessary to replace the Proposed Project, and since a combination of the All-Source Generation Alternative and In-Area Renewable Alternative can provide more than that amount, the No Project Alternative has adequate resources. Given the CPCN record, however, the No Project Alternative may not reduce the cost of energy in the region.

30. The Final EIR/EIS was presented to the Commission, and the Commission has received, reviewed, and considered the information contained in the Final EIR/EIS.

31. The Final EIR/EIS reflects the Commission's independent judgment and analysis.

32. The strong public opposition apparent in the record on community values reinforces our conclusion to deny a CPCN for Sunrise.

33. Given its relative low cost and apparent feasibility, SDG&E should implement UCAN's Miguel Import Limit Upgrade proposal and accordingly, UCAN's motion should be granted as specified herein.

34. SDG&E should take the necessary steps to institute a review of Path 44's rating, should report within 90 days of the effective date of this decision on the status of the review and should serve the report on the assigned Commissioner, other four Commissioners, the Director of the Commission's Energy Division, and the service list for A.06-08-010. The Energy Division's Director should require additional reports as deemed necessary.

35. The exhibits specified in the ordering paragraphs were identified at hearing but inadvertently, were not received in evidence. The CAISO Workpapers specified in the ordering paragraphs should be identified and received in evidence as CAISO Exhibit I-15. To ensure the completeness of the record, the complete EIR/EIS should be made a reference exhibit as indicated in the ordering paragraphs.

Conclusions of Law

1. The Commission has jurisdiction over the proposed transmission project pursuant to § 1001 et seq.

2. The preponderance of the evidence standard, the default standard in civil and administrative law cases, is the applicable standard of review here.

3. Neither the CAISO Board-approved economic evaluation nor the subsequent CAISO economic evaluation should be granted a rebuttable presumption under the Commission's *Economic Methodology Decision.*

4. Since Sunrise is not necessary for SDG&E to meet its 2010 RPS goal of 20%, it is not "necessary to facilitate achievement of the renewable power goals" pursuant to § 399.25 and therefore, § 399.25 is inapplicable to Sunrise.

5. Anza-Borrego is subject to the California Wilderness Act.

6. The Final EIR/EIS has been completed in compliance with CEQA and should be certified.

7. Since no party will be prejudiced thereby, the exhibits specified in the ordering paragraphs should be received in evidence and the complete EIR/EIS should be made a reference exhibit.

8. UCAN's motion regarding its Miguel Import Limit Upgrade proposal should be granted as specified in the ordering paragraphs. Since no party will be prejudiced thereby, these motions should be granted: all pending motions of the CAISO for leave to file late and leave to submit additional testimony; all pending motions to adopt transcript corrections; the motion of Powers Engineering Requesting Permission for Late Filing of Brief and Reply Brief. Today's decision on the merits of Sunrise renders all other pending motions moot.

O R D E R

IT IS ORDERED that:

1. The request of San Diego Gas & Electric Company (SDG&E) for a certificate of public convenience and necessity to construct the proposed Sunrise Powerlink Transmission Project (Sunrise) is denied without prejudice.

2. The Final Environmental Impact Report prepared for Sunrise is certified.

3. The documents that constitute the Final Environmental Impact Report/Environmental Impact Statement (Final EIR/EIS) are received as Reference Exhibits on the effective date of this decision, as follows:

   (a) Draft EIR/EIS – Reference Exhibit A;

   (b) Recirculated Draft EIR/Supplemental Draft EIS – Reference Exhibit B;

   (c) Final EIR/EIS – Reference Exhibit C; and

   (d) Revisions to the Final EIR/EIS – Reference Exhibit D.

4. The following exhibits are received in evidence on the effective date of this decision: Conservation Groups Exhibit C-15; Imperial Irrigation District Exhibit ID-4; Mussey Grade Exhibit MG-32; Powers Engineering Exhibit Powers-1; and Rancho Peñasquitos Exhibits R-9, R-10, R-11, R-12, R-13, and R-14.

5. The Workpapers of the California Independent System Operator (CAISO) with the file names CAISO3 SD&LA v5.xls, CAISO3 SD&LA v5 less LCR case.xls, and CAISO3 SD&LA v4.xls are identified as CAISO Exhibit I-15 and received in evidence on the effective date of this decision.

6. Pending motions are resolved as follows:

   (a) All pending motions of the CAISO for leave to file late and leave to submit additional testimony are granted;

   (b) All pending motions to adopt transcript corrections are granted;

(c) The June 5, 2007 *Motion to Compel SDG&E to Upgrade its Import Capability at Miguel Substation* filed by Utility Consumer's Action Network (UCAN) is granted as specified herein and within 30 days of the effective date of this decision SDG&E shall serve (but not file) a status report on assigned Commissioner Dian M. Grueneich, the other four Commissioners, the Director of the Commission's Energy Division, and the service list for Application (A.) 06-08-010;

(d) The September 24, 2008 motion of Powers Engineering *Requesting Permission for Late Filing of Brief and Reply Brief* is granted;

(e) UCAN's June 5, 2007 Motion to Enjoin SDG&E from Entering Into a Permanent Cross-Trip Arrangement with CFE is denied as moot; and

(f) All motions or portions of motions that have not otherwise been resolved are denied as moot.

7. SDG&E shall take the necessary steps to institute a review of Path 44's rating and, within 90 days of the effective date of this decision, shall report on the status of that review and shall serve the report on the assigned Commissioner and the service list for A.06-08-010, the other four Commissioners, and the Director of the Commission's Energy Division. The Energy Division's Director should require additional reports as deemed necessary.

8. The issues in the *Assigned Commissioner and* Administrative *Law Judge's Scoping Memo and Ruling*, November 1, 2007, and *Revised Scoping Memo and Ruling of the Assigned Commissioner and Administrative Law Judge,* June 20, 2008, have been addressed and this proceeding is resolved for the purpose of compliance with Public Utilities Code Section 1705.1. However, the proceeding

remains open to address, as an adjudication, issues raised by the *Assigned Commissioner's Revised Scoping Memo and Ruling Regarding Possible Rule 1.1 and Rule 8.3 Violations; Order to Show Cause*, August 1, 2008.

This order is effective today.

Dated _____, at San Francisco, California.