PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ITEM # 24 I.D. # 9042

ENERGY DIVISION **RESOLUTION E-4303**

December 3, 2009

R E S O L U T I O N

Resolution E-4303. Pacific Gas and Electric (PG&E).

PROPOSED OUTCOME: This resolution approves an Encroachment Agreement between PG&E and Rawah Properties, LLC (Rawah) pursuant to Public Utilities Code Section 851.
ESTIMATED COSTS: None

By Advice Letter 3480E. Filed on June 24, 2009.

SUMMARY

This Resolution approves PG&E's Advice Letter 3480E seeking authority under Public Utilities (PU) Code Section 851 to authorize the encroachment into a certain PG&E underground electric easement in Sonoma, located on vineyard property owned by Rawah, by an irrigation water well that was built without PG&E's knowledge or consent but does not interfere with PG&E's provision of utility service. PG&E is not collecting any fees associated with the granting of this easement. Advice Letter 3480E was processed pursuant to Resolution ALJ-202. This Resolution is effective immediately.

BACKGROUND

Utilities proposing to sell, lease, dispose of, or otherwise encumber property must comply with PU Code Section 851. Ordinarily, such a proposal would entail a full Application to the Commission, including a review pursuant to CEQA or a demonstration that such a review is not necessary. The Commission on August 25, 2005, initiated a 24-month pilot program per Resolution ALJ-186 that provides for an expedited process for certain transactions meeting criteria specified in the Resolution. On August 23, 2007, the Commission approved Resolution ALJ-202, which extends the pilot program an additional 36 months. Resolution ALJ-202 provides for an expedited process for certain transactions

meeting criteria specified in the ALJ Resolution. For proposals that meet the requirements, an Advice Letter may be filed demonstrating the applicability of the pilot program to the utility's proposal and requesting an expedited review of the Advice Letter, resulting in a Resolution confirming that the proposal meets the requirements of Resolution ALJ-202 and granting approval to the proposed project.

On June 24, 2009, PG&E filed Advice Letter 3475E pursuant to the pilot program requesting approval of an Encroachment Agreement between Rawah Properties, LLC for a certain PG&E underground electric easement in Sonoma County, located on vineyard property owned by Rawah, by an irrigation water well that was built without PG&E's knowledge or consent and is now being operated and maintained by Rawah, but which does not interfere with PG&E's provision of utility service. Protests or comments were due to the Commission on July 14, 2009. No protests or comments were filed.

Rawah Properties, LLC, an affiliate of Napa's Silver Oak Cellars, owns certain vineyard property located in the unincorporated area of Sonoma County near the City of Healdsburg. On May 14, 1979, PG&E acquired an easement and right-of-way for underground electric distribution facilities which encumbers a portion of the property. Around October 2007, Rawah constructed a water well on its properties for agricultural purposes without PG&E's knowledge or consent. In 2008, Rawah applied for electric service to begin operation of its new well. In response to the application for new electric service, PG&E's Service Planner visited the property and discovered that the new well was inadvertently located within PG&E's easement area. There are no fences or demarcations indicating the presence of this right-of-way for PG&E's 10-foot wide easement.

In light of this unintended encroachment, Rawah has requested that PG&E grant permission for the maintenance and operation of the improvements within the easement area. PG&E has determined that the improvements do not interfere with PG&E's present use of the easement area.

This transaction is exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and because approval will not result in any physical change to the property.

NOTICE

Notice of AL 3480-E was made by publication in the Commission's Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section 3.14 of General Order 96-B.

PROTESTS

No protests or comments to Advice Letter 3480E were filed.

DISCUSSION

The Energy Division has reviewed PG&E's Advice Letter 3480E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 3475E satisfies the filing requirements specified in Appendix A Section IV. 1-13 of Resolution ALJ-202.

The Energy Division has independently reviewed this transaction and found it exempt from environmental review under Section 15378 of the California Environmental Quality Act (CEQA) Guidelines because it is not a "project" under CEQA and because approval will not result in any physical change to the property.

The Energy Division finds that expedited treatment pursuant to Section II of Resolution ALJ-202 is appropriate for AL 3480 approval.

COMMENTS

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

FINDINGS AND CONCLUSIONS

1. On June 24, 2009, Pacific Gas and Electric filed Advice Letter 3480E seeking authority under Public Utilities Code Section 851 to approve an Encroachment Agreement between PG&E and Rawah Properties, in Sonoma County.

2. PG&E filed AL 3480E pursuant to a pilot program specified in Resolution ALJ-202.
3. No protests or comments were received by the Commission.
4. Rawah Properties, LLC, an affiliate of Napa's Silver Oak Cellars, owns certain vineyard property located in the unincorporated area of Sonoma County near the City of Healdsburg.
5. On May 14, 1979, PG&E acquired an easement for a right-of-way for underground electric distribution facilities which encumbers a portion of the property.
6. Around October 2007, Rawah constructed a water well on its properties for agricultural purposes without PG&E's knowledge or consent.
7. In light of this unintended encroachment, Rawah has requested that PG&E grant permission for the maintenance and operation of the improvements within the easement area.
8. PG&E has determined that the improvements do not interfere with PG&E's present use of the easement area.
9. The project is Categorically Exempt from the California Environmental Quality Act in accordance with section 15378 of the CEQA Guidelines.
10. The Energy Division has reviewed PG&E's Advice Letter 3480E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202.
11. PG&E's Advice Letter 3480E satisfies the filing requirements specified in Section IV, 1-13 of Resolution ALJ-202 and includes all of the information necessary to provide a satisfactory review of this proposed transaction.
12. The Energy Division finds that expedited treatment pursuant to Section II of ALJ-202 is appropriate for AL 3480E and that the Advice Letter should be approved.
13. This is an uncontested matter in which the resolution grants the relief requested.

THEREFORE IT IS ORDERED THAT:

1. The request of PG&E for approval of an Encroachment Agreement between PG&E and Rawah Properties, LLC for a certain underground electric easement near the City of Healdsburg, Sonoma County is granted.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on December 3, 2009; the following Commissioners voting favorably thereon:

_____
Paul Clanon
Executive Director