

Decision 10-06-014 June 3, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) for a Permit to Construct Electrical Facilities With Voltages Between 50kV and 200kV:
Devers-Mirage 115 Kilovolt Subtransmission System Split Project.

Application 08-01-029
(Filed January 31, 2008)

**DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY
A PERMIT TO CONSTRUCT DEVERS-MIRAGE 115 KILOVOLT
SUBTRANSMISSION SYSTEM SPLIT PROJECT**

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**DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY
A PERMIT TO CONSTRUCT DEVERS-MIRAGE 115 KILOVOLT
SUBTRANSMISSION SYSTEM SPLIT PROJECT**

1. Summary

This decision grants Southern California Edison Company a permit to construct the Devers-Mirage 115 Kilovolt Subtransmission System Split Project using the Proposed Project, as identified in the Environmental Impact Report.

As the Lead Agency for environmental review of the Proposed Project, we find that the Environmental Impact Report prepared for this project meets the requirements of the California Environmental Quality Act, Public Resources Code §§ 21000, *et seq.*, and that there are overriding considerations that merit construction of the Proposed Project notwithstanding its significant and unavoidable environmental impacts on air quality.

The primary components of the Proposed Project include rearrangements and modifications of subtransmission line connections, construction of substation modifications in the Cities of Palm Springs, Rancho Mirage, Indian Wells, Cathedral City, Palm Desert, and unincorporated areas of Riverside County, including the Thousand Palms community, and minor modifications to existing telecommunications equipment at the Edom Hill Communications site and the Palm Springs Service Center. The Proposed Project includes two new 115 kilovolt (kV) subtransmission lines, seven 115 kV subtransmission/line reconfigurations, a 220 kV transmission line loop-in, substation modifications, and upgrades to telecommunications infrastructure. Implementation of the Proposed Project will split the existing Devers 115 Kilovolt Subtransmission System into two systems, the Devers 115 kV System and the Mirage 115 Kilovolt System.

This proceeding is closed.

2. Background – Application, Protests and Public Participation

Southern California Edison Company (SCE) is an investor-owned public utility operating an interconnected and integrated electric utility system that generates, transmits, and distributes electric energy in portions of Central and Southern California.¹ In addition to its California properties, SCE separately or jointly owns facilities in Nevada, Arizona, and New Mexico that produce power and energy for use in California. SCE filed this Application, which included a Proponent's Environmental Assessment (PEA), on January 31, 2008 seeking a permit to construct (PTC) for the Devers-Mirage 115 Kilovolt (kV) Subtransmission System Split Project (Proposed Project). The Application was noticed in the Commission's Daily Calendar on February 6, 2008. No party filed a protest to the Application under Rule 2.6 of the Commission's Rules of Practice and Procedure (Rules). Because no protests were filed, no prehearing conference was held. On July 14, 2009, the assigned Commissioner issued a scoping memo pursuant to Rule 7.3. Consistent with the determination in the assigned Commissioner's scoping memo, no evidentiary hearings were held. SCE filed a motion on May 10, 2010 to offer the Application and the PEA into the evidentiary record of this proceeding. This decision grants this motion and moves into

¹ SCE's service territory is located in 15 counties in Central and Southern California, consisting of Fresno, Imperial, Inyo, Kern, Kings, Los Angeles, Madera, Mono, Orange, Riverside, San Bernardino, Santa Barbara, Tulare, Tuolumne and Ventura Counties, and includes approximately 179 incorporated communities and outlying rural territories. SCE also supplies electricity to certain customers for resale under tariffs filed with the Federal Energy Regulatory Commission.

evidence the Draft EIR and the Final EIR² prepared under the direction of the Commission's Energy Division.

3. Standard of Review and Governing Law

3.1. Burden of Proof

As the applicant, SCE must demonstrate a need for the Commission to grant the relief requested.³ 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." (D.06-05-016 at 7.) 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. The preponderance of the evidence is generally the default standard in civil and administrative law cases.⁴ We apply that standard in this decision.

² The Draft EIR and Final EIR are hereafter referred to as the EIR, unless it is otherwise necessary to make a distinction between these documents.

³ *Investigation into Methodology for Economic Assessment of Transmission Projects*, Decision (D.) 06-11-018 at 22 ["The Commission has long held that the applicant carries the burden of proof in a certification proceeding, and we reiterate those determinations today."]

⁴ CA Admin. Hearing Practice, 2d Ed. (2005), at 365.

3.2. California Environmental Quality Act

The primary vehicle for consideration of the authority sought by this Application is established by the California Environmental Quality Act (CEQA), Public Resources Code §§ 21000, *et. seq.* CEQA requires the lead agency, the Commission in this case, to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage. CEQA precludes the lead agency from approving a proposed project unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment where feasible, and determines that any unavoidable remaining significant effects are acceptable due to overriding considerations. CEQA requires that, prior to approving the project or a project alternative, the lead agency certify that the environmental review was conducted in compliance with CEQA, that it reviewed and considered the EIR prior to approving the project or a project alternative, and that the EIR reflects its independent judgment. (Pub. Res. Code § 21082.1(c)(3); CEQA Guidelines § 15090.)

3.3. Permit to Construct

The Commission has adopted General Order (GO) 131-D as part of its review process under CEQA. GO 131-D, Sec. III.B requires utilities to first obtain Commission authorization in the form of a PTC before beginning construction of an electric “power line.” GO 131-D, Sec. I defines an electric “power line” as one designed to operate between 50 kV and 200 kV. In contrast to applications seeking certificates of public convenience and necessity, GO 131-D does not require PTC applications for electric power lines to include an analysis of purpose and necessity, an estimate of cost and an economic analysis, a schedule or an in-depth description of construction methods beyond that required for

CEQA compliance. (GO 131-D, Sec. IX.B.1.f.) However, GO 131-D requires PTC applications to provide the following:

1. A description of the proposed facilities, a map, reasons why the proposed route was selected over potential alternative routes, positions of the government agencies having undertaken review of the project, and a PEA. (GO 131-D, Sec. IX.B.1.)
2. Compliance with the provisions of CEQA related to the proposed project, including the requirement to meet various public notice provisions. (GO 131-D, Sec. IX.B.2-5.)
3. Measures to be taken or proposed by the utility to reduce the potential for exposure to electric and magnetic fields (EMF) generated by the proposed project in compliance with the Commission's policies governing the mitigation of electromagnetic field effects using low-cost and no-cost measures. (GO 131-D, Sec. X.A.)

The following discussion includes an analysis of this Application under the CEQA and GO 131-D.

4. Environmental Review of the Proposed Project

4.1. Proponent's Environmental Assessment

As required by GO 131-D, Sec. IX.B.1, SCE filed a PEA with its Application. SCE prepared this PEA with portions being prepared by EPG, Inc. of Phoenix, Arizona. The PEA presents SCE's evaluation of the environmental impacts that may result from the construction and operation of the Proposed Project. SCE's PEA contains a project description at Chapter 3 and various maps and diagrams, Figures 1.1 through 4.15. In the PEA, SCE concludes that the Proposed Project does not have the potential to degrade the quality of the environment except for air quality.

4.2. Significant Impacts

SCE's finding that air quality impacts will be significant is based on the South Coast Air Quality Management District (SCAQMD) significant thresholds for nitrogen oxides (NO_x), particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). SCE further concludes that (1) significant impacts to air quality would likely occur during project construction associated with the Proposed Project; (2) significant impacts are based on daily thresholds, and these impacts would be temporary; (3) all air quality impacts associated with construction of the Proposed Project would cease after site preparation; and (4) there would be no long-term impacts to air quality from the Proposed Project.

4.3. Applicant's Proposed Measures

Based on SCE's finding of significant impact on air quality, SCE proposes at Chapter 4.3.3 of its PEA specific procedures to the project construction plans to minimize emissions from the Proposed Project. These specific procedures are referred to as Applicant's Proposed Measures (APMs). The PEA's impact analysis assumes that the applicable APMs would be implemented to reduce air quality impacts. We adopt the APMs as part of our approval of the Proposed Project and require SCE to comply with the APMs and the other mitigation measures contained in the Mitigation Monitoring, Reporting, and Compliance Program. (EIR, Appendix E.) The Commission shall monitor compliance with the Plan periodically throughout the duration of construction activities. (EIR, Chapter 4.3.31.)

4.4. Draft Initial Study

After the Energy Division reviewed SCE's PEA, the Energy Division informed SCE by letter that the Application was complete for purposes of reviewing environmental impacts under CEQA and GO 131-D. The

Energy Division then began preparing an Initial Study. The Initial Study determined the Proposed Project will have a significant adverse impact on the environment, specifically on air quality, even after taking into consideration SCE's APMs.

4.5. Preparation and Issuance of Environmental Impact Report

Based on the Energy Division's determination of a significant adverse impact on the environment, the Commission published and distributed a Notice of Preparation (NOP) of an EIR for the Proposed Project on April 15, 2008. The NOP described the Proposed Project, solicited written and verbal comments on the EIR's scope, and gave notice of a public scoping meeting to be held on April 29, 2008 in Palm Desert, California. The Energy Division issued the Draft EIR on January 7, 2010.

5. Notice and Procedural Issues Related to Environmental Review

Due process requires that affected parties be provided adequate notice and opportunity to be heard, such that they can timely protest and participate in the Commission's environmental review and analysis of the Proposed Project. For PTCs, the utility must comply with notice requirements described in GO 131-D, Sec. XI.A. SCE represented that it has complied with all applicable notice requirements on February 5, 2008.

5.1. Public Scoping Meeting and Comments

In preparation for Draft EIR, the Commission conducted a public meeting on April 29, 2008 from 6:00 p.m. to 8:00 p.m. at the California State University San Bernardino Palm Desert Campus at Palm Desert, California. A presentation was prepared that included an overview of the environmental review process, the regional context, project background, project objections,

project description, project alternatives and the role of public comments. At the April 29, 2008 public scoping meeting, Energy Division received oral and written comments. Two members of the public attended the public scoping meeting held on the Draft EIR.

In addition, the following parties submitted letters, including electronic mails, during the 30-day comment period: Native American Heritage Commission, SQAQMD, California Department of Transportation and Aeronautics, US Army Corps of Engineers, Coachella Valley Water District, Riverside County Transportation Department, and Thomas C. MacMaster. The overarching themes in the written and verbal comments received included (1) placement of the lines underground (2) air quality emissions (3) impacts to cultural and archeological resources (4) compliance with appropriate County ordinances to avoid impacts to hydrology and water quality (5) consistency between the Proposed Project and the Coachella Valley Multiple Species Habitat Conservation Plan (6) impacts to the Palm Springs Airport and (7) tariff impacts.

6. Commission's Scoping Memo and Application

While the Commission evaluated the environmental aspects of the Proposed Project under CEQA and other applicable laws, the Commission also initiated the process to identify the issues to be considered in Application 08-01-029. On July 14, 2009, the assigned Commissioner issued a scoping memo and ruling and determined the following issues to be within the scope of the proceeding:

1. What are the significant environmental impacts of the proposed project?
2. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?

3. As between the proposed project and the project alternatives, which is environmentally superior?
4. Are the mitigation measures or project alternatives infeasible? (CEQA Guidelines § 15091(a)(3).)
5. To the extent that the proposed project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative? (CEQA Guidelines § 15093.)
6. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to approving the project or a project alternative, and does the EIR reflect the Commission's independent judgment? (CEQA Guidelines § 15090.)
7. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures? (GO 131-D, Sec. X.A.)

7. The Proposed Project and Alternatives

The purpose of the Devers-Mirage 115 kV Subtransmission System Split Project, according to SCE's PEA, is to serve the projected electrical demand in area including the Cities of Palm Springs, Rancho Mirage, Cathedral City, Palm Desert, Indian Wells, and unincorporated areas of Riverside County, including the Thousand Palms community. The estimated cost of the project is \$33.3 million. (Application, Appendix F at 13.)

7.1. Description of Proposed Project and Alternatives

SCE identified several project alternatives in its PEA. More alternatives were developed by SCE and the Commission EIR team after the publication of the PEA. In total, the alternatives screening process culminated in the identification and screening of approximately 13 potential alternatives for SCE's

proposed project. These alternatives range from routing adjustments for new subtransmission lines to demand-side management programs. Alternatives to the Proposed Project were screened according to CEQA guidelines to determine those alternatives to carry forward for analysis in the EIR and alternatives to eliminate from detailed consideration. The detailed results of the screening analysis are contained in Chapter 3 of the EIR. The EIR also evaluated a “no project” alternative. Under the “no project” alternative, the Proposed Project would not be implemented and the transmission system constraints would continue to exist and other projects would have to address this issue. In addition to the Proposed Project, Alternatives 2, 3, 5, 6 and 7 were carried forward for further analysis in the EIR and are described below.

Alternative 1 (also known as the Proposed Project) would follow the existing Devers-Farrell-Windland 115 kV subtransmission route from Farrell Substation to Garnet Substation. This route would cross the Whitewater River floodplain, which is an open desert basin characterized by alluvial soils and low, sparse vegetation. Existing modification in the vicinity of the existing single-circuit 115 kV subtransmission line route, including distribution lines; the Farrell and Garnet Substations; roadways, including Gene Autry Trail, Interstate 10, Salvia Road, and Vista Chino Avenue; roadside billboards; and the Union Pacific Railroad, as well as residential and commercial development.

“No Project” Alternative: Selection of the “no project” Alternative would mean that the project, as proposed, would not be implemented. None of the associated project activities would occur and the environmental impacts associated specifically with the Proposed Project would not occur. However, the objectives for the Proposed Project would remain unfulfilled under the “no project” Alternative. Other yet unspecified transmission upgrades would

presumably be proposed in the future to provide the needed capacity and additional reliability to serve growing electrical load in the area.

Alternative 2 would primarily cross low-density residential communities north of Vista Chino Avenue and along the east and west sides of Sunrise Way. From the substation, the route would head south on Gene Autry Trail to Vista Chino Avenue. The line would then head west and overbuild existing distribution lines on new support structures for approximately 1.25 miles along Vista Chino. At Sunrise Way, the route would turn north, and the new lines would overbuild existing distribution line on new support structures for one mile to San Rafael Road. From here to Four Seasons Boulevard, 0.5 mile would be constructed underground. From Four Seasons Boulevard to the intersection of the existing Devers-Farrell-Windland Subtransmission line, for 2.5 miles, the new line would overbuild the existing distribution line, and then turn west on the south side of I-10.

Alternative 3 would follow the existing Caltrans and City of Palm Springs road franchise locations and SCE right-of-way (ROW) between the Farrell and Garnet substations. From Farrel Substation, the underground segment of Alternative 3 would head south on Gene Autry Trail to Vista Chino. At Vista Chino, Alternative 3 would head west for approximately 1.3 miles until reaching Sunrise Way where the line would turn north and proceed along Sunrise Way to San Rafael Road. At the San Rafael Road, Alternative 3 would head west to Indian Canyon Drive, where it would turn north and continue underground from approximately 50 feet before it would rise above ground at a riser pole. North of the rise pole, the line would continue north overhead along Indian Canyon Drive within existing SCE distribution line ROW or City franchise to Garnet Substation. Along Indian Canyon Drive, the line would cross

over the Whitewater River drainage adjacent to the Whitewater River Floodplain Preserve.

Alternative 5 would include approximately 3.1 miles of mostly new underground single-circuit 115 kV subtransmission line within existing Riverside County road franchise locations and SCE ROW between Mirage Substation and the existing Santa Rosa-Tamarisk 115 kV line. It would be installed underground between the Mirage Substation and the existing Mirage-Concho 115 kV overhead transmission line. From the Mirage Substation, Alternative 5 would head south on Vista de Oro until Ramon Road, where it would turn and head west. At Monterey Avenue, the alternative alignment turns and heads south to Varner Road, where it then turns southwest on Varner Road and proceeds to the point where it joins the existing Mirage-Concho 115 kV overhead subtransmission line. At this location, the underground line would rise overhead, double circuiting the Mirage-Cocho 115 kV subtransmission line. Alternative 5 would cross Interstate 10 and the Union Pacific Railroad on TSPs and would connect with the existing Santa Rosa-Tamarisk line south of I-10.

Alternative 6 would include the construction of approximately 4.2 miles of new underground and overhead single-circuit 115 kV subtransmission line within existing Caltrans and Cathedral City road franchise locations and SCE ROW between Farrell Substation and the existing Garnet-Santa Rosa 115 kV ROW. Alternative 6 would exit Farrell Substation and an overhead line by heading south on Gene Autry Trail to Vista Chino. The line would then head east on Vista Chino Approximately 1.7 miles to Landau Boulevard, where a rise pole would transition the line from overhead to underground. From Landau Boulevard, the underground line would continue

east along Vista Chino Traversing one mile to the existing SCE ROW of the Devers-Eisenhower 115 kV line along the west side of Date Palm Drive, where the line would transition from underground to overhead. From the intersection of Vista Chino and Date Palm Drive, the new poles would continue 1.5 mile north within existing SCE ROW and Cathedral City franchise, to the Garnet leg of the Garnet-Santa Rosa subtransmission line.

Alternative 7 would include the construction of approximately 9.1 miles of new overhead single-circuit 115 kV subtransmission line within existing Caltrans and Cathedral City road franchise locations and SCE ROW between Farrell Substation and the existing Garnet-Santa Rosa 115 kV ROW. Alternative 7 would exit Farrell Substation as an overhead line and head south on Gene Autry Trail to Vista Chino. The line would then head east on Vista Chino for approximately 1.7 miles to Landau Boulevard, where the line would turn south and continue along Landau Boulevard for approximately 2.5 miles before reaching 33rd Street. At 33rd Street, the line would turn east and continue along 33rd Street for approximately 0.9 miles to Date Palm Drive, where the line would turn north. On Date Palm Drive the line would continue north for 4.0 miles to the existing Garnet-Santa Rosa 115 kV ROW.

8. Findings of the Environmental Review Process

8.1. The Environmentally Superior Alternative

The EIR evaluated the various alternatives. The Final EIR identified Alternative 1, the Proposed Project, as the Environmentally Superior Alternative. We agree with the conclusion. The Proposed Project shall be designated as the Environmentally Superior Alternative.

8.2. Significant Environmental Impacts Not Mitigated

Although the Environmentally Superior Alternative is the least environmentally damaging alternative, it does not mitigate all significant environmental impacts as described below and as further described in the Final EIR at ES-11 to ES-14:

Air Quality: Air quality impacts will be significant based on the SCAQMD significant thresholds for NO_x, PM₁₀ and PM_{2.5}. The Final EIR further concludes that (1) significant impacts to air quality would likely occur during project construction associated with the Proposed Project; (2) significant impacts are based on daily thresholds, and these impacts would be temporary; (3) all air quality impacts associated with construction of the Proposed Project would cease after site preparation; and (4) there would be no long-term impacts to air quality from the Proposed Project.

8.3. Certification of Final EIR

Before approving this Application for a PTC, the Commission must certify the EIR. (CEQA Guidelines § 15090.)

We hereby certify that:

- The EIR has been completed in compliance with CEQA.
- The EIR was presented to the Commission, and the Commission has received, reviewed, and considered the information contained in the EIR.

The EIR reflects the Commission's independent judgment and analysis.

9. Conclusions

9.1. CEQA Findings of Facts

Based upon the EIR, we have prepared a set of CEQA Findings of Fact (CEQA Findings) pursuant to CEQA Guidelines § 15091 regarding the significant impact associated with the authorized alternative.

We find that the CEQA Findings accurately reflect the independent analysis contained in the EIR and are supported by substantial evidence in the administrative record. We adopt them as Findings of Fact in this decision and incorporate them by reference herein.

9.2. Authorization of the Environmentally Superior Alternative

If the Commission selects an alternative other than the environmentally superior alternative identified in the EIR, the Commission must find that an environmentally superior alternative is infeasible. (Public Res. Code § 21081(a)(3).) In this case, the Commission authorizes the Environmentally Superior Alternative. Therefore, the Commission is not required to consider the feasibility of the other alternatives.

Based on the considerations above, we authorize SCE to construct the Environmentally Superior Alternative as set forth in the EIR.

9.3. Statement of Overriding Considerations

As explained above, the authorized Environmentally Superior Alternative will have significant environmental impacts that cannot be mitigated. Therefore, the Commission must provide a statement of the overriding considerations that supports approval of this Application pursuant to CEQA Guidelines § 15093.

The Commission recognizes that significant and unavoidable environmental impacts will result from construction and operation of the Environmentally Superior Alternative. Having: (1) adopted all feasible mitigation measures; (2) recognized all significant, unavoidable impacts; and (3) balanced the benefits of the Environmentally Superior Alternative against its significant and unavoidable impacts, the Commission hereby finds that the

benefits of the project outweigh and override the significant unavoidable impacts for the reasons stated below.

The Environmentally Superior Alternative will provide substantial benefits, including but not limited to facilitating California's policy goals of maintaining electrical system reliability at the lowest environmental cost as well as provide the benefits of the project's objectives set forth above.

The Commission finds that the Environmentally Superior Alternative's unavoidable impacts are acceptable in light of these substantial benefits, which constitute an overriding consideration warranting approval of the project.

9.4. Mitigation Monitoring

The Final EIR includes a proposed Mitigation Monitoring, Reporting, and Compliance Program (EIR, Appendix E.) for the mitigation measures it recommends for the Proposed Project. The tables are presented in the Final EIR. These tables, along with the full text of mitigation measures applicable to the Environmentally Superior Alternative, form the Mitigation Monitoring, Reporting, and Compliance Program. The program is designed to ensure compliance with the changes in the project and mitigation measures imposed on the authorized project during implementation. It also recommends a framework for implementation of the Mitigation Monitoring, Reporting, and Compliance Program Plan by this Commission as the CEQA Lead Agency. We adopt the Mitigation Monitoring, Reporting, and Compliance Program Plan.

10. Significant Environmental Impacts and Mitigation

All of the alternatives and the Proposed Project would have significant and unavoidable adverse impacts. The Draft EIR at Chapter 4.1-47 concludes that, it is reasonable to assume that at a minimum, environmental impacts associated with the "no project" alternative scenario would not be less than those from the

Environmentally Superior Alternatives. Therefore, the Environmentally Superior Alternative is preferred over the no project alternative.

11. Certification of EIR

CEQA requires the lead agency to certify that the EIR was completed in compliance with CEQA, that the agency has reviewed and considered it prior to approving the project, and that the EIR reflects the agency's independent judgment. As previously discussed, the EIR was completed after notice and opportunity for public comment on the scope of the environmental review and the Draft EIR, as required by CEQA. The Final EIR documents all written and oral comments made on the Draft EIR and the responses to them, as required by CEQA. The Final EIR identifies the Proposed Project's significant and unavoidable environmental impacts, mitigation measures that will avoid or substantially lessen them, and identified the Proposed Project as the Environmentally Superior Alternative. In finding the Proposed Project is the Environmentally Superior Alternative, the Final EIR modified the finding in the Draft EIR that Alternative 5 was the environmentally superior alternative for the Mirage-Santa Rosa study area and that Alternative 3 was the environmentally superior alternative for the Farrell-Garnet study area.

We have reviewed and considered the information contained in the EIR. We certify that the EIR was completed in compliance with CEQA, that we have reviewed and considered the information contained in it, and that it reflects our independent judgment.

12. Electric and Magnetic Fields

The Commission has examined EMF impacts in several previous proceedings. (D.06-01-042; D.93-11-013.) We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of

EMFs and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

The Commission requires, pursuant to GO 131-D, Sec. X.A, that all requests for a PTC include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the Proposed Project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is 4% of the total budgeted project cost that results in an EMF reduction of at least 15% (as measured at the edge of the utility right-of-way).

The Field Management Plan contained, as included at Appendix B in the Draft EIR, addresses the EMF measures that will be taken in connection with the Proposed Project.

The Proposed Project is designed to include the following no-cost and low-cost magnetic field reduction measures:

1. For Devers 115 kV system: Use taller poles; use double-circuit pole-head configurations (or similar); and phase the proposed subtransmission line with respect to the existing 115 kV subtransmission line: Devers-Farrell-Windland 115 kV: A-B-C (top to bottom) and Garnet-Farrell 115 kV: C-B-A (top to bottom).
2. For Mirage 115 kV System – from Calle Francisco to near Calle Tosca: Use taller poles; use double-circuit pole-head

- configuration; and phase the proposed subtransmission line with respect to the existing 115 kV subtransmission line: Mirage-Santa Rosa-Tamarisk 115 kV: A-B (top to bottom) on the west side and C on the right side; Mirage-Santa Rosa 115 kV: C-B-A (top to bottom); Mirage-Concho 115 kV: A-B-C (top to bottom).
3. Mirage 115 kV system – from Calle Tosca to South of I-10 Freeway: Use taller poles; use double-circuit pole-head configuration; and phase the proposed subtransmission line with respect to the existing 115 kV subtransmission line: Mirage-Santa Rosa 115 kV: C-B-A (top to bottom); Mirage-Concho 115 kV: A-B-C (top to bottom).
 4. For the 115 kV System Reconfiguration (known as area D) phase the proposed subtransmission line with respect to the existing 115 kV subtransmission line: Eisenhower-Farrell 115 kV: C-B-A (top to bottom); Devers-Eisenhower-Thornhill 115 kV: A-B-C (top to bottom).
 5. For the 115 kV system Reconfiguration (known as area E) phase the proposed subtransmission line with respect to the existing 115 kV subtransmission line: Mirage-Capwind-Devers-Tamarisk 115 kV: C-B-A (top to bottom); Mirage-Santa Rosa-Tamarisk 115 kV: A-B-C (top to bottom).
 6. For the 220 kV loop-in: Phase the newly created transmission line with respect to the existing 220 kV transmission lines: Devers-Mirage No. 2 220 kV: A-B-C (top to bottom); Devers-Mirage No. 1 220 kV: B-C-A (top to bottom).

We adopt the Field Management Plan (Appendix B, Draft EIR) for the Proposed Project and require SCE to comply with it.

13. Waiver of Comment Period

No protests were filed to the Application and no hearing was held. Today's decision grants the relief requested in an uncontested matter. Accordingly, pursuant to Rule 14.6(c)(2), the otherwise applicable 30-day period for public review and comment is waived.

14. Assignment of Proceeding

Dian M. Grueneich is the assigned Commissioner and Regina M. DeAngelis is the assigned ALJ in this proceeding.

Findings of Fact

1. Construction of a Devers-Mirage 115 Kilovolt Subtransmission System Split Project will improve needed capacity and address reliability concerns.
2. No protests were filed to the Application.
3. The Draft EIR related to the Proposed Project conforms to the requirements of CEQA.
4. Project Alternatives 1, 2, 3, 5, 6 and 7 would each have significant unavoidable impacts.
5. Alternative 1 is the Environmentally Superior Alternative.
6. The Final EIR was completed in compliance with CEQA.
7. The Commission has reviewed and considered the information contained in the EIR.
8. The EIR reflects the Commission's independent judgment.
9. The need to improve reliability on existing infrastructure is an overriding consideration that supports our approval of Alternative 1, as referred to as the Proposed Project, despite its significant unavoidable impacts.
10. Alternative 1 includes no-cost and low-cost measures (within the meaning of D.93-11-013, and D.06-01-042) to reduce possible exposure to EMF.
11. SCE agrees to comply with the mitigation measures described in the Final EIR.
12. The Commission considered the EIR in deciding to approve the Proposed Project.
13. The Final EIR reflects the Commission's independent judgment.

Conclusions of Law

1. SCE represents that it has complied with the notice requirements for PTCs described in GO 131-D, Sec. XI.
2. The Application is uncontested and evidentiary hearings are not necessary.
3. The Commission is the Lead Agency for compliance with the provisions of CEQA.
4. The Draft EIR analyzing the environmental impacts of the Proposed Project was processed in compliance with CEQA.
5. A Final EIR on the Proposed Project was processed and completed in compliance with the requirements of CEQA.
6. The Draft EIR and the Final EIR (which includes the Mitigation Monitoring, Reporting and Compliance Program and EMF Field Management Plan) should be adopted in their entirety.
7. SCE should be granted PTC for Alternative 1 of the proposed Devers-Mirage 115 Kilovolt Subtransmission System Split Project, with mitigation set forth in the Mitigation Monitoring, Reporting and Compliance Program.
8. SCE should obtain all necessary permits, easement rights or other legal authority for the project site prior to commencing construction.
9. Possible exposure to EMF has been reduced by the no-cost and low-cost measures SCE will include in the Proposed Project that are specified in Appendix B of the Draft EIR and pursuant to D.93-11-013, and D.06-01-042.
10. The requirement for a 30-day period for public review and comment should be waived, pursuant to Rule 14.6(c)(2).
11. This order should be effective immediately so that construction of the Proposed Project can begin.

12. Application 08-01-029 should be closed.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company is granted a Permit to Construct the Devers-Mirage 115 Kilovolt Subtransmission System Split Project, Alternative 1, in conformance with the Environmental Impact Report (EIR), including the Draft and the Final EIR Mitigation Monitoring, Reporting and Compliance Program (Appendix E), and the Electric and Magnetic Fields Field Management Plan.

2. The Mitigation Monitoring, Reporting and Compliance Program included as part of the Final Environmental Impact Report (Appendix E) is adopted.

3. The Final Environmental Impact Report is adopted pursuant to the requirements of the California Environmental Quality Act, Public Resources Code §§ 21000 *et seq.*

4. The comment period for today's decision is waived.

5. Southern California Edison Company's motion to move its Application and the Proponent's Environmental Assessment into the evidentiary record is granted and we also move into evidence the Draft Environmental Impact Report (EIR) and the Final EIR. These documents are Exhibits 1, 2, 3, and 4 respectively, (which includes the Draft Environmental Impact Report, Mitigation Monitoring, Reporting and Compliance Program, and the Electric and Magnetic Fields Field Management Plan).

6. Application 08-01-029 is closed.

This order is effective today.

Dated June 3, 2010, at San Francisco, California.

MICHAEL R. PEEVEY

President

DIAN M. GRUENEICH

JOHN A. BOHN

TIMOTHY ALAN SIMON

NANCY E. RYAN

Commissioners