

Decision 11-04-014 April 14, 2011

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company, a California corporation, for a Permit to Construct the Atascadero-San Luis Obispo 70 kV Power Line Reconductoring Project pursuant to General Order 131-D (U39E).

Application 10-03-006  
(Filed March 10, 2010)

**DECISION GRANTING PACIFIC GAS AND ELECTRIC COMPANY  
A PERMIT TO CONSTRUCT THE ATASCADERO-SAN LUIS OBISPO  
70 KV POWER LINE RECONDUCTORING PROJECT**

**1. Summary**

This decision grants Pacific Gas and Electric Company a permit to construct the Atascadero-San Luis Obispo 70 kilovolt power line reconductoring project with mitigation identified in the Mitigation Monitoring Plan attached to this order. This proceeding is closed.

**2. Proposed Project**

As proposed by Pacific Gas and Electric Company (PG&E), the Atascadero-San Luis Obispo 70 kilovolt (kV) power line reconductoring project will replace the existing deteriorating conductor and associated supporting wood poles and steel towers along approximately 15.5 miles of 70 kV power line from Atascadero to San Luis Obispo in San Luis Obispo County, California. The heavier conductors will be better able to withstand the coastal climate and will provide enhanced voltage support. Most of the existing wood poles will be replaced with light-duty, direct-buried steel poles. Most of the existing direct-

buried lattice steel towers will be replaced with new lattice steel towers with concrete or rock anchor foundations. In five residential locations near or within the City of San Luis Obispo, the existing direct-buried lattice steel towers will be replaced with smaller footprint, single-foundation tubular steel poles. All of the new or modified structures will support the new, heavier conductor to meet General Order 95 ground-to-wire safety standards.

### **3. Scope of Issues**

Pursuant to General Order 131-D, in order to issue a permit to construct (PTC), the Commission must find that the project complies with the California Environmental Quality Act (CEQA).<sup>1</sup> 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, for consideration in the determination of whether to approve the project or a project alternative. If the initial study shows that there is no substantial evidence that the proposed project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a proposed negative declaration or mitigated negative declaration subject to public notice and the opportunity for the public review and comment. (CEQA Guidelines §§15070-15073.)

CEQA requires that, prior approving the project or a project alternative, the lead agency consider the proposed negative declaration or mitigated

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<sup>1</sup> Public Resources Code Section 21000, *et seq.*

negative declaration along with any comments received during the public review process, and that the lead agency adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the proposed negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis. (CEQA Guidelines §15074(a)-(b).) If the lead agency adopts a mitigated negative declaration, CEQA requires that it also adopt a program for monitoring or reporting on the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines §§15074(d).)

In addition, pursuant to General Order 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

Accordingly, the issues to be determined in this proceeding are:

1. Is there substantial evidence that, with the incorporation of mitigation measures identified in the Mitigation Monitoring, Reporting, and Compliance Plan included therein, all project-related environmental impacts can be reduced to less than significant levels?
2. Was the mitigated negative declaration completed in compliance with CEQA, did the Commission review and consider the mitigated negative declaration prior to approving the project, and does the mitigated negative declaration reflect the Commission's independent judgment and analysis?
3. Is the proposed project designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

#### **4. Procedural Background**

PG&E filed this application on March 10, 2010. On March 23, 2010, PG&E filed a declaration of advertising, posting, and mailing to affected governmental bodies and property owners notice of the application, as required by General Order 131-D, Section XI.A. No protests were filed.

On October 18, 2010, the Energy Division circulated a draft Initial Study/Mitigated Negative Declaration (IS/MND) for the project to all property owners within 300 feet of the project, and published newspaper notices of the issuance of the draft MND in the San Luis Obispo Tribune on October 25, 2010, and in the Atascadero News on October 27, 2010. The draft IS/MND and the newspaper notices gave notice that the document would undergo a public review and comment period from October 25, 2010, through November 24, 2010.

Six comment letters were received during the public review period. The final IS/MND, which Energy Division issued on February 10, 2011 and which is hereby marked as Exhibit 1 and admitted into the evidentiary record, makes appropriate revisions in response to the comments but does not identify any new significant environmental impacts, and does not omit any existing mitigation measures, from those identified in the draft IS/MND.

#### **5. Environmental Review**

The IS/MND found that, with the incorporation of mitigation measures identified in the Mitigation Monitoring Plan included therein, all project-related environmental impacts can be reduced to less than significant levels.

## 6. EMF

The Commission has examined EMF impacts in several previous proceedings.<sup>2</sup> 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.

However, recognizing that public concern remains, we do require, pursuant to General Order 131-D, Section 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 four percent of the total budgeted project cost that results in an EMF reduction of at least 15 percent (as measured at the edge of the utility right-of-way).

Currently, the lines are optimally phased. The proposed project will maintain the existing phasing to reduce magnetic field levels. There are no

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<sup>2</sup> See D.06-01-042 and D.93-11-013.

feasible low-cost filed reduction measures that can be implemented on this project. This design complies with the Commission's EMF decisions.

## **7. Waiver of Comment Period**

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

## **8. Assignment of Proceeding**

Michael R. Peevey is the assigned Commissioner and Hallie Yacknin is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. With the implementation of the mitigation measures identified in the Mitigation Monitoring Plan set forth in the final IS/MND and attached to this order, all environmental impacts of the Atascadero-San Luis Obispo 70 kV power line reconductoring project can be reduced to less than significant levels.

2. The proposed Atascadero-San Luis Obispo 70 kV power line reconductoring project includes no-cost and low-cost measures (within the meaning of D.93-11-013, and D.06-01-042) to reduce possible exposure to EMF; there are no feasible low-cost measures (within the meaning of D.93-11-013, and D.06-01-042) to reduce possible exposure to EMF.

3. The IS/MND was completed in compliance with CEQA.

4. The Commission has reviewed and considered the information contained in the IS/MND.

5. The IS/MND reflects the Commission's independent judgment and analysis.

**Conclusions of Law**

1. PG&E should be granted a permit to construct the Atascadero-San Luis Obispo 70 kV power line reconductoring project in conformance with the Mitigation Monitoring Plan attached to this order.
2. This proceeding should be closed.
3. This order should be effective immediately.

**O R D E R**

**IT IS ORDERED** that:

1. Pacific Gas and Electric Company is granted a Permit to Construct the Atascadero-San Luis Obispo 70 kilovolt power line reconductoring project in conformance with the Mitigation Monitoring Plan attached to this order.
2. The Mitigation Monitoring Plan, included as part of the final Initial Study/Mitigated Negative Declaration, is adopted.
3. Application 10-03-006 is closed.

This order is effective today.

Dated April 14, 2011, at San Francisco, California.

MICHAEL R. PEEVEY  
President  
TIMOTHY ALAN SIMON  
MICHEL PETER FLORIO  
CATHERINE J.K. SANDOVAL  
MARK FERRON  
Commissioners

A.10-03-006 ALJ/HSY/tcg

[D1104014 Attachment](#)