

Decision 11-09-033 September 22, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Southern California Edison Company
(U338E) for a Permit to Construct Electrical
Facilities: Leatherneck Substation Project.

Application 11-05-029
(Filed May 25, 2011)

**DECISION GRANTING SOUTHERN CALIFORNIA EDISON COMPANY
A PERMIT TO CONSTRUCT THE LEATHERNECK SUBSTATION PROJECT**

1. Summary

This decision grants Southern California Edison Company (SCE) a permit to construct the Leatherneck Substation Project pursuant to General Order (GO) 131-D. Approval of this Application allows SCE to construct a new substation facility at the United States Marine Corps Air Ground Combat Center (the Combat Center) in order to accommodate the projected increase in long-term electrical demand of the Combat Center and to enhance the reliability of the access to local electricity source by providing a redundant connection to a secondary substation source.

The existing electrical infrastructure serving the Combat Center operations is insufficient to accommodate planned facility development and growth in the Combat Center's mission. In addition, in the event of a service disruption, the Combat Center has no reliable secondary source.

SCE shall provide to the Commission's Energy Division proof of compliance with the 29 special conservation measures in the Environmental Assessment document issued pursuant to the National Environmental Policy Act

that address potential impacts to sensitive botanical, sensitive wildlife (other than Desert Tortoise), migratory birds, Desert Tortoise, cultural resources, and water quality. Upon receipt of such proof, the Energy Division shall issue a notice(s) to proceed to SCE as is applicable during various phases of the project.

Besides construction of the new Leatherneck Substation at the Combat Center, the Leatherneck Substation Project also includes related subtransmission line upgrades and electrical upgrades at several existing substations in the Twentynine Palms area. These upgrades will have the added benefit of improving electric system reliability and capacity throughout the area of Twentynine Palms and nearby unincorporated communities.

2. Procedural Background

Southern California Edison Company (SCE) filed this application for a permit to construct the Leatherneck Substation project on May 25, 2011. In addition to the construction of the Leatherneck substation, SCE seeks to include related subtransmission line upgrades and electrical upgrades at several existing substations in the Twentynine Palms area. No party protested the application.

On May 25, 2011, SCE posted a total of 139 notices at several locations as required by General Order (GO) 131-D, Section XI, subparagraphs A.1 and A.3.

Generally, an application to construct a substation would be accompanied by the Proponent's Environmental Assessment (PEA) for California Environmental Quality Act (CEQA) compliance. However, in this application, SCE used a PEA-equivalent information to satisfy the requirements under GO 131-D, Section IX.B.1.e. as described more fully below.

Because the proposed new substation would be located entirely on United States Marine Corps (USMC) property, it requires approval from the USMC, and

is also subject to environmental review pursuant to the federal National Environmental Policy Act (NEPA) guidelines.

However, the subtransmission lines would be located both on and off USMC property. Therefore, the California Public Utilities Commission (Commission) must determine if SCE may construct the off-base portion of the subtransmission lines (i.e., lines not located on USMC land). Where, as here, the project requires compliance with both CEQA and NEPA, CEQA encourages the state agency to use the NEPA document (Environmental Assessment, or EA) if that document is prepared before the state agency would otherwise prepare its own Environmental Impact Report (EIR) or Negative Declaration so long as the NEPA document complies with the provisions of the CEQA Guidelines and is supplemented to include certain CEQA requirements that are not required pursuant to NEPA. (CEQA Guidelines § 15221; Pub. Resources Code § 21083.7.)

On March 1, 2010, the Commission's Energy Division and the USMC executed a Memorandum of Understanding (MOU) setting forth the respective roles and responsibilities of the two agencies. Because the project would be located primarily on USMC land, the MOU identified the USMC as the lead agency for assessing the environmental impacts of the project pursuant to the NEPA, and preparation of the NEPA document that is also to facilitate CEQA compliance, and the Commission as a cooperating agency with the USMC. Accordingly, the prepared EA includes considerations required by CEQA.

On March 24, 2011, the USMC assessed the environmental impacts of the project pursuant to the NEPA, and issued its final EA of the project, including a Finding of No Significant Impact (FONSI), dated March 24, 2011. All NEPA procedural and substantive requirements have been met. The USMC also issued on May 19, 2011, a Continuing Environmental Review Statement (CERS), making

certain clarifications to the EA that are not substantial from an environmental standpoint and did not affect the validity of the Final EA and the FONSI.

3. Requirement for a Permit to Construct (PTC)

GO 131-D defines an electric “power line” as one designed to operate between 50 kilovolt (kV) and 200 kV,¹ and Section III.B requires utilities to first obtain Commission authorization, in the form of a PTC, before beginning construction of a power line. PTC applications for power lines need not include a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods (beyond that required for CEQA compliance).² However, GO 131-D requires PTC applications to:

1. Include a description of the proposed facilities and related costs, a map, reasons the route was selected, positions of the government agencies having undertaken review of the project, and a PEA;³
2. Show compliance with the provisions of CEQA related to the Proposed project, including the requirement to meet various public notice provisions;⁴ and
3. Describe the measures to be taken or proposed by the utility to reduce the potential for exposure to electric and magnetic fields (EMF) generated by the Proposed project.⁵

These requirements are discussed separately below.

¹ GO 131-D, Section I.

² GO 131-D, Section IX.B.1.f.

³ GO 131-D, Section IX.B.1.

⁴ GO 131-D, Section IX.B.2-5.

⁵ GO 131-D, Section X.

4. Proposed Facilities Description

By this application, SCE seeks authority to build the Leatherneck Substation project, which includes:

- **Leatherneck Substation:** Construction of a new, customer-dedicated, 115/33kV substation, located within the USMC Combat Center and encompassing an inside-the-fence area of approximately 0.9 acres. Including the access driveway and drainage and slope improvements outside the fence, the new Leatherneck Substation will cover a total area of approximately 1.9 acres. The Leatherneck Substation will be connected to both the existing Hi Desert Substation and the existing Carodean Substation, as described in the following paragraphs.
- **Hi Desert-Leatherneck Subtransmission Line:** The subtransmission connection to the new Leatherneck Substation from Hi Desert Substation will consist partly of new line and partly of reconfigured existing line.
- **Carodean-Leatherneck Subtransmission Line:** Construction of a new 115kV subtransmission line from the existing Carodean Substation to the new Leatherneck Substation, a distance of approximately 9 miles, by overbuilding existing 33kV circuit and existing 12kV circuit along that route.
- **Carodean-Hi Desert Subtransmission Line:** A new 115 kV line segment will be overbuilt along the existing 33kV route from Hi Desert Substation to Sunnyslope Drive, a distance of approximately 1 mile which will connect at Sunnyslope Drive to the existing 115 kV line to Carodean Substation, together forming the new Carodean-Hi Desert 115 kV line.
- **Upgrades to and expansion of the existing Hi Desert Substation:** Electrical reconfiguration of the Hi Desert Substation, including expansion of the overall substation site by approximately 28 feet to the north (an expansion area of approximately 0.2 acres) on SCE-owned property.
- **Upgrades to additional existing SCE substations:** Electrical reconfiguration of the Carodean Substation, including construction of a new mechanical electrical equipment room, but not involving any expansion of the overall substation site; and

electrical equipment upgrades at the Yucca and Devers substations, also not involving any expansion of the substation sites.

- **Telecommunications Equipment:** Installation of new telecommunications equipment and new overhead fiber optic lines at the new Leatherneck Substation as well as at the existing substations.

5. Environmental Review and Notice Requirements

5.1. Environmental review

Pursuant to GO 131-D, in order to issue a permit to construct, the Commission must find that the project complies with CEQA.⁶ CEQA requires the lead agency for the State, cooperating pursuant to the MOU, 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. CEQA precludes the lead agency from approving a proposed project or a project alternative 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 impacts are acceptable due to overriding considerations. (CEQA Guidelines §§ 15090, 15091, 15093, 15126.2, 15126.4, and 15126.6.)

The EA has been prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, as amended (42 U.S. Code [USC] § 4321-4370h); the Council on Environmental Quality (CEQ) implementing regulations (40 Code of Federal Regulations [CFR] Parts 1500-1508); and U.S. Marine Corps procedures

⁶ California Public Resources Code Section 21000, *et seq.*

for implementing NEPA, as described in Marine Corps Order P5090.2A Environmental Compliance and Protection Manual.

Potential impacts have been analyzed for geological resources, biological resources, water resources, cultural resources, aesthetics, air quality, electrical utilities, socioeconomics, and public health and safety.

Pursuant to the EA, the project does include a number of special conservation measures (SCMs). There are 29 specific measures that address potential impacts to sensitive botanical, sensitive wildlife (other than Desert Tortoise); migratory birds, Desert Tortoise, cultural resources, and water quality. (See EA, § 2.6.) SCE shall provide to the Commission's Energy Division proof of compliance with these SCM as they are completed. Upon receipt of such proof the Energy Division shall issue a notice(s) to proceed to SCE as is applicable during various phases of the project. The Commission project manager (Energy Division, Environmental Projects Unit) shall have the authority to issue a Stop Work Order on the entire project, or portions thereof, for the purpose of ensuring compliance with the SCMs described in the EA. Construction may not resume without a Notice to Proceed issued by the Energy Division.

The Commission's Energy Division has collaborated with USMC and reviewed the EA and has determined that it satisfies CEQA. The final EA will be marked for identification and received into the evidentiary record as Exhibit 1.

5.2. Notice Requirements

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,

Section XI.A. In pertinent part, Section XI.A requires the following forms of notice:

1. By direct mail to:
 - a. The planning commission and the legislative body for each county or city in which the proposed facility would be located, the California Energy Commission (CEC), the State Department of Transportation and its Division of Aeronautics, the Secretary of the Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested such notification. The utility shall also give notice to the following agencies and subdivisions in whose jurisdiction the proposed facility would be located: the Air Pollution Control District, the California Regional Water Quality Control Board, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction; and
 - b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent; and
2. By advertisement not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and
3. By posting a notice on-site and off-site where the project would be located.

SCE represents that USMC has complied with all applicable notice requirements.⁷

In February 2010, a Notice of Availability (NOA) was published in two local newspapers: the Desert Trail and Hi-Desert Star. The NOA invited agencies, organizations, and the general public to provide written comments relative to the proposed action and alternatives and issues addressed in the Draft EA.

On February 11, 2010 a project open house was held to provide information on the project to the public and stakeholders. During the open house, comment cards were made available to the public if they needed more information on the project or to express their interest or concerns with the project. In addition, SCE subject matter experts were present at the meeting to address any questions or concerns.

A second public review period was held to allow the general public an opportunity to provide written comments on the Revised Draft EA. An NOA was published in four local newspapers: Riverside Press Enterprise, Palm Springs Desert Sun, Hi-Desert Star, and Desert Trail.

In addition to close coordination with the Bureau of Land Management and the Commission, the USMC has consulted and coordinated with the U.S. Fish and Wildlife Service, California State Historic Preservation Office, California Department of Fish and Game, and other agencies as needed on the proposed action.

⁷ Application at IV.J.

The Application itself was noticed in the Commission's Daily Calendar on June 2, 2011.

6. Measures to Reduce Electro Magnetic Field (EMF) Exposure

The Commission has examined EMF impacts in several previous proceedings.⁸ 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 GO 131-D, Section X.A, that all requests for a permit to construct 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).

⁸ See Decision (D.) 06-01-042 and D.93-11-013.

The following “no-cost and low-cost” magnetic field reduction design options have been incorporated into the design of the project:

- Utilizing structure heights that meet or exceed SCE’s EMF preferred design criteria;
- Utilizing double-circuit construction that reduces spacing between circuits as compared with single-circuit construction;
- Arranging conductors of proposed subtransmission line for magnetic field reduction;
- Placing major substation electrical equipment (such as transformers, switchracks, buses and underground duct banks) away from the substation property lines; and
- Configuring the transfer and operating buses with the transfer bus closest to the nearest property line.

This design is consistent with the Commission’s EMF policy for implementing no-cost and low-cost measures to reduce potential EMF impacts.

7. Conclusion

As stated previously, the EA was completed after notice and opportunity for public comment on the scope of the environmental review and the draft EA, as required by CEQA. The final EA documents all written and oral comments made on the draft EA, and responds to them, as required by CEQA.

We have reviewed and considered the information contained in the EA and believe it meets the requirements of CEQA. We find the EA has been completed in compliance with CEQA that the final EA was presented to us and we have reviewed and considered the information contained in it, and that the final EA reflects our independent judgment and analysis.

8. Waiver of Comment Period

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.

9. Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Maryam Ebke is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The proposed project includes:
 - **Leatherneck Substation:** Construction of a new, customer-dedicated, 115/33kV substation, located within the Combat Center and encompassing an inside-the fence area of approximately 0.9 acres. Including the access driveway and drainage and slope improvements outside the fence, the new Leatherneck Substation will cover a total area of approximately 1.9 acres. The Leatherneck Substation will be connected to both the existing Hi Desert Substation and the existing Carodean Substation, as described in the following paragraphs.
 - **Hi Desert-Leatherneck Subtransmission Line:** The subtransmission connection to the new Leatherneck Substation from Hi Desert Substation will consist partly of new line and partly of reconfigured existing line.
 - **Carodean-Leatherneck Subtransmission Line:** Construction of a new 115kV subtransmission line from the existing Carodean Substation to the new Leatherneck Substation, a distance of approximately 9 miles, by overbuilding existing 33kV circuit and existing 12kV circuit along that route
 - **Carodean-Hi Desert Subtransmission Line:** A new 115 kV line segment will be overbuilt along the existing 33kV route from Hi Desert Substation to Sunnyslope Drive, a distance of approximately 1 mile which will connect at Sunnyslope Drive to the existing 115 kV line to Carodean Substation, together forming the new Carodean-Hi Desert 115 kV line.

- **Upgrades to and expansion of the existing Hi Desert Substation:** Electrical reconfiguration of the Hi Desert Substation, including expansion of the overall substation site approximately 28 feet to the north (an expansion area of approximately 0.2 acres) on SCE-owned property.
- **Upgrades to additional existing SCE substations:** Electrical reconfiguration of the Carodean Substation, including construction of a new mechanical electrical equipment room, but not involving any expansion of the overall substation site; and electrical equipment upgrades at the Yucca and Devers substations, also not involving any expansion of the substation sites.
- **Telecommunications Equipment:** Installation of new telecommunications equipment and new overhead fiber optic lines at the new Leatherneck Substation as well as at the existing substations.

2. No protests were filed to the Application.

3. The Final EA identified no significant environmental impacts from the project.

4. The Commission has reviewed and considered the information contained in the EA.

5. The EA reflects the Commission's independent judgment and analysis.

6. The Leatherneck Substation project will enable SCE to accommodate the projected increase in long-term electricity demand at the Marine Corps Air Ground Combat Center located at Twentynine Palms, California, and will enhance the reliability of the power supply to the Combat Center by adding a redundant connection to the electrical grid.

7. The proposed project incorporates no-cost and low-cost measures to reduce potential EMF impacts by placing its major substation electrical equipment (such as transformers, switchracks, buses and underground duct banks) away from the substation property lines, and arranging the conductors of

the proposed transmission line segments for magnetic field reduction along adjacent transmission corridors.

Conclusions of Law

1. The EA was completed in compliance with CEQA.
2. The proposed project design is consistent with the Commission's EMF policy for implementing no-cost and low-cost measures to reduce potential EMF impacts.
3. SCE should be granted a permit to construct the Leatherneck Substation project.
4. The final EA should be marked for identification and received into the evidentiary record as Exhibit 1.
5. This proceeding should be closed.
6. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company is granted a Permit to Construct the Leatherneck Substation project, which includes:
 - Construction of one new Leatherneck 115/33 kilovolt (kV) 56 megavolt-ampere (MVA) customer-dedicated substation for the United States Marine Corps Combat Center (Combat Center) in Twentynine Palms, San Bernardino County, California.
 - Work at the existing Carodean and Hi Desert Substations will include converting and/or reconfiguring the operating and transfer buses, expanding the substation footprint at Hi Desert Substation, addition of bank positions, new

Mechanical Electrical Equipment Room (MEER) building at Carodean Substation and expanding the MEER at Hi Desert Substation.

- Construction of two new 115 kV subtransmission lines to serve the Leatherneck Substation; Hi Desert-Leatherneck 115 kV and Carodean-Leatherneck 115 kV.
- Related subtransmission line upgrades and electrical upgrades at several existing substations in the Twentynine Palms area.

2. Southern California Edison Company shall have in place, prior to commencing construction, all of the necessary easements rights, or other legal authority, to the Leatherneck Substation project sites.

3. Southern California Edison Company shall comply with all special conservation measures set forth in the final Environmental Assessment issued pursuant to the National Environmental Policy Act (Exhibit 1 to this proceeding) and shall provide to the Commission's Energy Division proof of compliance with special conservation measures as they are completed.

4. Upon receipt of proof of compliance with the special conservation measures from Southern California Edison Company (SCE), the Energy Division shall issue a notice(s) to proceed to SCE as is applicable during various phases of the project. The Commission project manager (Energy Division, Environmental Projects Unit) shall have the authority to issue a Stop Work Order on the entire project, or portions thereof, for the purpose of ensuring compliance with the special conservation measures described in the Environmental Assessment.

5. Construction of the Leatherneck Substation may not resume without a Notice to Proceed issued by the Energy Division.

6. The final Environmental Assessment issued pursuant to the National Environmental Policy Act shall be marked for identification and received into the

evidentiary record as Exhibit 1.

7. Application 11-05-029 is closed.

This order is effective today.

Dated September 22, 2011, at San Francisco, California.

MICHAEL R. PEEVEY

President

TIMOTHY ALAN SIMON

MICHEL PETER FLORIO

CATHERINE J.K. SANDOVAL

MARK J. FERRON

Commissioners