Decision 06-09-022 September 7, 2006

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U 902 E) for a Certificate of Public Convenience and Necessity for the Silvergate Substation Project.	Application 05-03-024 (Filed March 30, 2005)

(See APPENDIX A for List of Appearances.)

OPINION GRANTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE SILVERGATE SUBSTATION PROJECT

Summary

We grant the request of San Diego Gas & Electric (SDG&E) for a Certificate of Public Convenience and Necessity (CPCN) for the Silvergate Substation Project. The Silvergate Substation Project consists of construction of a new and larger substation (Silvergate) to replace SDG&E's existing Main Street Substation in the Barrio Logan neighborhood of the City of San Diego, and the reconfiguration (undergrounding and removal) of existing transmission lines. We grant SDG&E's request for the new substation to be air-insulated, rather than gas-insulated, and we adopt the Final Environmental Impact Report (Final EIR) for this project, pursuant to the California Environmental Quality Act (CEQA).

Substation Relocation and Expansion

The new Silvergate Substation will be approximately five acres in size, and will be located on the other side of Harbor Drive and a set of railroad tracks from the existing Main Street Substation, in the Barrio Logan neighborhood of the

City of San Diego. The site for the Silvergate Substation is currently occupied by SDG&E's decommissioned Silvergate power plant, an industrial building, SDG&E's former 12 kilovolt (kV) Sampson Substation, and a parking lot, all of which would be replaced by the new substation. According to SDG&E, the new substation will be able to support four 230 kV circuits and 11 69 kV circuits, but initially will include three 230 kV circuits and seven 69 kV circuits.

The existing Main Street Substation is a 138 kV/69 kV substation. According to SDG&E, the Main Street Substation is over 40 years old, and all of the substation's equipment is obsolete, beyond its useful life and predicted life span, and spare parts are difficult to obtain. "So the equipment is falling apart as we speak." (SDG&E Witness Yari, Transcript v. 2, pp. 18-19.)[1]

In addition to the age of the equipment, the load on the Main Street Substation is forecast to increase from its current level of approximately 336 megawatts.[2] According to an internal SDG&E load forecast, the expected load on the SDG&E substation will be about 420 megawatts in 2008 and closer to 440 megawatts (MW) in 2010.[3] (*Id.*, pp. 15-16.) SDG&E states that if the existing Main Street Substation is not replaced, by 2008 SDG&E would be in violation of the reliability criteria of the North American Reliability Council (NERC), the Western Electric Reliability Council (WECC), and the California Independent System Operator (Cal ISO). (*Id.*, p. 17.)

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[1] The typical expected life of the electrical equipment is around 30 years. (*Id.*)

[2] The Main Street Substation serves downtown San Diego and adjacent areas, including Coronado, National City, and Navy facilities located on San Diego Bay. (*Id.*, p. 15.) The new Silvergate Substation would serve the same area.

[3] SDG&E's Proponent's Environmental Assessment (PEA) forecasts a load of 502 MW by 2010, based on a forecast approved by the Commission in Decision (D.) 04-12-048. (*Id.*, p. 61; PEA, p. 2-4.)

SDG&E recognized the need to replace the aging equipment at Main Street Substation and initially looked at rebuilding the existing facility. (*Id*., pp. 25-26.) However, after the rebuild was publicly proposed in August 2000, SDG&E encountered significant community opposition from the residents of the neighborhood adjacent to the existing substation. The community expressed a desire for SDG&E to relocate the substation on the opposite (west) side of Harbor Drive. (*Id*.)

By mid-2004, SDG&E had exhausted its discussions with the community, and had determined that it was not desirable to rebuild at the existing site. (*Id*., pp. 26-27.) Also at about this time, SDG&E realized that as part of its Otay Mesa Power Purchase Agreement Transmission Project ("Otay Mesa Project," Application (A.) 04-03-008), it was going to have a new 230 kV source going by the site of its decommissioned Silvergate Power Plant (and adjacent 12 kV Sampson Substation), and that it could build a 230 kV substation on the old power plant site. (Yari, *supra*, pp. 27-28.)[4]

The site proposed for the new Silvergate Substation is larger than the existing Main Street Substation, and with the acquisition of an adjacent property, can accommodate an air-insulated 230 kV substation, increasing the capacity of the substation serving downtown San Diego and nearby areas. In addition, by connecting to a 230 kV line running between two other substations

[4] This timing is confirmed by the appearance of the Silvergate Substation Project in the environmental documents prepared in the Otay Mesa Project proceeding (A.04-03-008). The Silvergate Substation was not mentioned in the March 2004 PEA in that proceeding, but is discussed in the March 2005 Draft EIR. According to SDG&E, the first mention of the Silvergate Substation Project in the Otay Mesa proceeding was the October 2004 Memorandum of Understanding between SDG&E and the City of Chula Vista (filed in the Otay Mesa proceeding in November 2004), marked as Exhibit 6 in this proceeding. (SDG&E Counsel Barnes, Transcript v.2, p. 62.)

(Old Town and Miguel, either of which can supply power to the new substation even if the supply from the other one is interrupted) reliability is further increased in comparison to the present configuration, which has Main Street Substation being fed from only one direction. (*Id.*, pp. 21-24.)

The new location is west of Harbor Drive, as requested by the community opposing SDG&E's proposal to rebuild the Main Street Substation. Finally, based on the record of this proceeding, including a public participation hearing, there appears to be no community opposition to the relocation of the substation.[5]

Overall, the relocation and capacity expansion of the substation appears to be an excellent approach to addressing the age of the Main Street Substation and the expected growth of load in the area served, while making good use of the old Silvergate Power Plant site and the adjacent new 230 kV transmission line. Our main concern is that it took SDG&E so long to recognize what appears to be an obvious answer. Neither the age of the Main Street Substation nor the continued growth in downtown San Diego should have come as a surprise to SDG&E. Community opposition to rebuilding on the existing site has existed since 2000, and SDG&E began planning the route for its 230 kV line some time ago. Yet SDG&E did not recognize the currently-proposed solution until 2004, while the Main Street Substation continued to deteriorate.

SDG&E was considering leasing or selling the Silvergate site to a company that hoped to build a desalination plant (*id.*, pp. 27-28), and this may have delayed SDG&E's consideration of the Silvergate site for a substation. It concerns us that SDG&E appears to have put this venture ahead of its duty to

[5] There is support from the City of Chula Vista for the portion of the project (discussed below) involving removal and undergrounding of transmission lines.

reliably serve utility customers. We wish to remind SDG&E that reliable utility service should be its first priority.

Transmission Line Undergrounding and Removal

In addition to the replacement of the substation, SDG&E also proposes other changes. Currently, there are three overhead 138kV transmission lines running from the South Bay Power Plant Switchyard on shared structures. Two of those lines connect into the Main Street Substation, while the third line (Tie Line 13815) bypasses the Main Street Substation, and continues on to SDG&E's Mission Substation. (Yari, Transcript, pp. 67-68.)

SDG&E proposes to remove the two lines that currently serve the Main Street Substation, and underground the third line (Tie Line 13815) for approximately 2.5 miles, from the South Bay Power Plant Switchyard to the Sweetwater River, in the City of Chula Vista. This would also allow for the removal of 18 steel lattice towers. Other than the undergrounded portion, Tie Line 13815 would remain in its existing route and configuration.

The City of Chula Vista strongly supports SDG&E's proposal to remove and underground the existing overhead transmission lines in Chula Vista. (Exhibit 6; see also PPH Transcript, pp. 2-6.)

Rohr, Inc., operating as Goodrich Aerostructures Group (Rohr), filed a protest to SDG&E's Application, arguing that the portion of the project proposing the undergrounding of transmission lines on the existing transmission easement on Rohr's property could have adverse environmental and economic impacts on Rohr and its facilities and business operations. Specifically, Rohr argued that the undergrounding of the transmission lines could result in changes in groundwater flow and the movement and concentration of contaminants, and subsidence that could affect Rohr buildings and equipment. In addition, the

construction of the underground transmission line on Rohr's property could disrupt or interfere with Rohr's business operations. (Rohr Protest, pp. 2-8.)

The environmental issues raised by Rohr's protest were addressed in the CEQA review process leading to the Final EIR we adopt today, and are discussed further in the draft and final EIRs. Rohr requested evidentiary hearings, but other than filing a protest and appearing at the prehearing conference, Rohr has not participated in this proceeding. Rohr did not attend the public participation hearing nor the evidentiary hearing, both of which were held in the San Diego area.

According to SDG&E, Rohr and SDG&E have reached an agreement or understanding that has resolved their differences, and Rohr has agreed to SDG&E's trenching across Rohr's property. (Yari, supra, Transcript p. 69.) Rohr was concerned about SDG&E trenching across its property multiple times, as both the Silvergate and Otay Mesa Projects involve undergrounding of transmission facilities on Rohr's property. As its part of the agreement or understanding, SDG&E is supposed to only trench across Rohr's property once, combining the construction process for the undergrounding of the Silvergate 138 kV line and the installation of the Otay Mesa 230 kV line. (*Id*.) Combining the construction of the Silvergate and Otay Mesa transmission lines makes sense as a way to minimize the environmental and economic impacts of the construction, and should also reduce the cost of construction. We order SDG&E to combine construction of the Silvergate and Otay Mesa Projects to the extent possible, particularly the undergrounding of transmission lines.

Given the mitigation measures adopted in the Final EIR relating to the environmental issues raised by Rohr, SDG&E's statement under oath that SDG&E and Rohr have resolved their differences, and Rohr's lack of

participation in the proceeding,[6] we find that the issues raised by Rohr's protest are no longer contested.

We approve SDG&E's request to remove the two 138 kV lines connecting the South Bay Power Plant Switchyard and the Main Street Substation, and to partially underground a third 138 kV line (Tie Line 13815) in the City of Chula Vista.

Special Protection System

SDG&E proposes to install a Special Protection System at the South Bay substation. This system would be installed within existing structures, and would help protect against potential overloads. (PEA, p. 1-33; EIR, pp. A-3, B-18.) We approve SDG&E's request to install the Special Protection System.

Air Insulated Substation or Gas Insulated Substation

SDG&E proposed to build a conventional Air-Insulated Substation (AIS), but in its PEA, SDG&E also proposed an alternative of a Gas-Insulated Substation (GIS). The Final EIR found the GIS alternative to be environmentally preferred. However, SDG&E strongly prefers to build an AIS facility. Accordingly, we need to evaluate whether we should authorize construction of a GIS or an AIS at the Silvergate site. In performing that evaluation, we will consider the environmental impact, cost, and timing of each.

According to the Final EIR, the environmental benefits of the GIS design stem from its smaller footprint (up to approximately 4.3 acres), as compared to an AIS design (approximately five acres). Because of its smaller size, the GIS design could be built without the acquisition and demolition of an existing

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[6] We conclude that Rohr's lack of participation is intentional, rather than inadvertent, as Rohr is a large and sophisticated business, and is represented in this proceeding by counsel with extensive experience litigating before this Commission.

building owned by Propulsion Controls Engineering (PCE). The Final EIR finds, based on SDG&E's PEA, that avoiding acquisition and demolition of the PCE building results in reduced environmental impacts in the areas of Land Use; Air Quality, Hydrology and Water Quality, and Hazardous Materials; and Visual Impacts. (Final EIR, pp. 3C1-19 to 3C1-20.)

The reduced impact in the area of Land Use comes from avoiding the need to relocate the existing business. The reduced impacts in the areas of Air Quality and Hydrology result from the reduced amount of ground disturbance and building demolition, resulting in fewer impacts from fugitive dust and storm water runoff during construction. The reduced Visual Impact comes from maintaining the PCE building, resulting in less change to the visual character of the area.

These all appear to be very minor advantages when compared to the AIS design, particularly since the Silvergate Substation site is located in an industrial area, and either the GIS or AIS would be replacing a large decommissioned power plant.

While the GIS design avoids relocation of the existing business, according to the record in this proceeding, the existing business is quite willing to relocate. (Yari, supra, Transcript p. 45; Declaration of Kerry J. Lynch, p. 2.)

The potential for additional fugitive dust and storm water runoff is only during construction; the Final EIR finds that operational impacts in these areas would be substantially the same for either design. While the demolition of the PCE building and the construction on its site could have additional impacts in these areas, they are relatively minor in the context of the project, as both the GIS and AIS designs require demolition of the adjacent and much larger Silvergate Power Plant.

Reducing change to the visual character of the area by maintaining the PCE building appears to be a mixed blessing, as the PCE building (apart from a large American flag painted on one wall) does not appear to possess any particular architectural distinction. (DEIR, Figure D.13-2A.)[7]

One possible alternative not analyzed in the EIR would be a GIS facility, but with the PCE building removed and replaced by landscaping. This would provide a significant visual buffer between the new substation and Harbor Drive, the trolley tracks, and the residential and commercial neighborhood to the east, and would probably also improve water runoff conditions. However, because this alternative was not analyzed in the EIR, we will not consider it here.

Overall, the environmental benefits of the GIS over the AIS are quite small. We must also consider other relevant factors in addition to environmental impacts. Here those factors are primarily the relative cost of each design and its date of operation, especially given the potential reliability issues that arise from the age of the existing Main Street Substation.

According to SDG&E's application, the cost of an AIS is estimated to be $80,600,000. SDG&E has stated that this estimate is no longer accurate, and that the actual cost of an AIS facility is higher, and has requested that the Commission add a 10% contingency to this estimate on any cost cap for the AIS project. (Lynch Declaration, pp. 4-5.)[8] SDG&E estimates that a GIS facility will

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[7] SDG&E argues that the GIS design has a greater visual impact than the AIS design because the GIS would be enclosed in a solid building, rather than the open-air design of the AIS. (Lynch, *supra*, p. 2.)

[8] SDG&E was directed to update its cost estimates for an AIS facility (Administrative Law Judge (ALJ) Ruling Setting Evidentiary Hearings, p. 2), but did not do so. (Yari, *supra,* pp. 50-51.)

cost approximately an additional $29,422,000, for a total cost of $110,022,000. (Lynch, *supra*, p. 4.)

Neither the estimate for the AIS, nor the estimate of the increased cost for a GIS appear to be very precise. SDG&E has stated that the AIS estimate is no longer current, and the GIS estimate has a number of fairly soft elements in it, such as $6,040,000 for "Market Pressure," which is essentially a contingency for unanticipated cost increases. (Yari, *supra*, Transcript pp. 52-55.) It appears that SDG&E may have presented a "best-case" (or at least a "pretty good-case") scenario for the costs of an AIS, and a "worst-case" scenario for the costs of a GIS.

Using the numbers on the record, all of which were prepared by SDG&E, we should also compare the "worst case" cost of an AIS and the "best case" cost of a GIS. Adding the 10% contingency to the $80,600,000 cost of an AIS results in an estimate of $88,660,000, while subtracting the $6,040,000 for "market pressure" from the cost of a GIS results in an estimate of $103,982,000, for a difference in cost of $15,322,000. This is probably a somewhat more realistic cost differential, given that the GIS estimate is more recent than the AIS estimate. (Yari, *supra*, Transcript, p. 55.)

While $15,322,000 is significantly less than the $29,422,000 calculated by SDG&E, the GIS design is still quite a bit more expensive than a conventional AIS design. It is not clear that the relatively minimal environmental benefits of the GIS alternative identified in the Final EIR are worth over $15 million.

Another factor we must consider is the date at which a new Silvergate Substation could enter service. According to SDG&E, an AIS facility should be completed and on-line by June 2008, while a GIS facility would not be completed until the first quarter of 2009. (Yari, Transcript, p. 66.) In the larger picture, this difference of roughly six to ten months is not very big, particularly for a facility

that is designed to last 30 years or more. However, given the current age and condition of the Main Street Substation, and its growing load, the additional delay could be quite significant. As discussed above, by 2008 SDG&E could be in violation of the reliability criteria of the NERC, the WECC, and the Cal ISO because of the condition and configuration of the Main Street Substation. (Yari, *supra*, p. 17.)

If the Main Street Substation or the 138 kV lines serving it should fail before the completion of the Silvergate Substation, the consequences could be both serious and expensive. Construction of a GIS facility would increase the risk of such a failure by delaying the completion of the Silvergate Substation at a time when the Main Street Substation is simply not reliable. Accordingly, the difference in the operational dates of the two designs strongly favors an AIS.[9]

The significant cost and reliability advantages of an AIS clearly outweigh the minor environmental benefits of a GIS. While we must consider the environmental information contained in the EIR, the EIR does not require us to reach a particular outcome; the EIR is primarily an informational document, and does not control our ultimate discretion. (CEQA Guideline 15121; *Carmel Valley View, Ltd. v. Board of Supervisors*, (1976) 58 Cal. App. 3d 817, 822.) We have considered the information contained in the Final EIR, along with the other evidence in the record, and we find that the AIS design is preferable. We

[9] If SDG&E had applied in a timely manner for a CPCN to construct the Silvergate Substation, we could have considered the question of GIS v. AIS based more on their long-term merits, rather than short-term need, as the extra time required to construct a GIS facility would not have mattered. A crisis atmosphere is not conducive to sound policy analysis, and in this case the crisis of Main Street Substation's deterioration was both foreseeable and avoidable.

approve SDG&E's request to use an AIS design for the construction of the Silvergate Substation, with a cost cap that allows for a 10% contingency.

California Environmental Quality Act

Under CEQA, the Commission is the lead agency for this project. Accordingly, the Commission is responsible for preparing an appropriate environment document, such as an EIR or negative declaration, for the project. (CEQA Guideline 15050(a).) The Commission has prepared a final environmental impact report (previously referred to as the Final EIR).

Before granting approval of this project, the Commission must consider the Final EIR. (CEQA Guideline 15004(a).) The Commission has done so. We find that the Final EIR was prepared in compliance with CEQA, and we adopt it in its entirety, and incorporate it by reference in this decision approving the project.

The Final EIR finds that approval of the project will have no impact, or less-than-significant impact, in the areas of Population and Housing, and Visual.

The Final EIR finds that approval of the project would have potentially significant impacts in the areas of Air Quality; Biological Resources; Cultural Resources; Geology, Soils and Paleontology; Hydrology and Water Quality; Land Use, Agriculture and Recreation; Noise and Vibration; Public Health & Safety; Public Services and Utilities; and Transportation and Traffic. However, the Final EIR also finds that each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level, and SDG&E has agreed to the applicable mitigation measures. Full descriptions of the Mitigation Monitoring, Compliance and Reporting Program are set forth in Sections D and G of the Final EIR, and a complete but condensed presentation of the

environmental impacts and mitigation measures of the project is contained in Table ES-2 of the Final EIR.

There are no significant impacts that cannot be mitigated to a less than significant level, and in some areas the project provides environmental benefits.

Categorization and Hearings

Resolution ALJ 176-3150 dated April 7, 2005 preliminarily categorized this application as ratesetting and determined that hearings were necessary. The Commission held hearings in San Diego on July 27, 2006. We confirm the determinations of the categorization and the need for hearings set forth in Resolution ALJ 176-3150. This proceeding was submitted on July 27, 2006.

Comments

On July 31, 2006, SDG&E requested via e-mail the stipulation of the parties to a shortened comment period on the proposed decision, and waiver of reply comments. Rohr and the City of Chula Vista agreed to the shortened comment period and waiver of reply comments. No party objected to the shortened comment period and waiver of reply comments. At the direction of the assigned ALJ, SDG&E sent a second e-mail on August 8, 2006, informing the parties that any party opposing the shortened comment period must respond and affirmatively state its opposition by the close of business on August 9, and if a response was not received the parties will be considered to have consented to the shortened comment period. No responses were received.

Accordingly, the parties have stipulated to a shortened comment period and waiver of reply comments. Opening comments are due seven days from the date of the issuance of this draft decision, and reply comments may not be submitted without the consent of the assigned ALJ.

The proposed decision of the ALJ in this matter was served on the parties in accordance with Pub. Util. Code §311(d). Comments were received from

SDG&E supporting the proposed decision, and urging the Commission to adopt it at the September 7, 2006 Commission meeting.

Assignment of Proceeding

Dian M. Grueneich is the Assigned Commissioner and Peter V. Allen is the assigned ALJ in this proceeding.

Findings of Fact

1. The proposed Silvergate Substation Project would upgrade the electric transmission system in the downtown San Diego area by replacing the aging 138 kV Main Street Substation with the new 230 kV Silvergate Substation in the Barrio Logan neighborhood of the City of San Diego.

2. The load served by the Main Street Substation is projected to grow, and to exceed the reliable capacity of the Main Street Substation by 2008.

3. Construction of a gas-insulated substation would cost significantly more and take longer than construction of an air-insulated substation.

4. The longer construction time associated with a gas-insulated substation could adversely affect the reliability of the transmission system in the downtown San Diego area.

5. In this instance the environmental benefits of a gas-insulated substation over an air-insulated substation are minimal.

6. SDG&E's cost estimate for construction of an air-insulated substation is no longer accurate.

7. The proposed Silvergate Substation Project also includes the removal of two existing 138 kV lines, and the partial undergrounding of a third 138 kV line (Tie Line 13815), allowing for the removal of 18 steel lattice towers.

8. The undergrounding of the 138 kV Tie Line 13815 occurs in the same area as construction of the new underground Otay Mesa 230 kV transmission line.

9. The Commission staff has prepared a Final EIR for the project.

10. The Commission has considered the contents and conclusions of the Final EIR.

11. The Final EIR finds that approval of the project will have no impact, or less-than-significant impact, on the environment in two areas, and to the extent that approval of the project would have potentially significant impacts in other areas, it finds that each of the identified impacts can be mitigated to avoid the impact or reduce it to a less than significant level.

12. SDG&E has agreed to the mitigation measures contained in the Final EIR.

13. With the adoption of the mitigation measures contained in the Final EIR, the project will not have a significant effect on the environment.

Conclusions of Law

1. The Main Street Substation needs to be replaced.

2. The proposed Silvergate Substation is a reasonable replacement for the Main Street Substation.

3. The benefits of an air-insulated substation design outweigh the benefits of a gas-insulated substation design.

4. The Commission should impose a cost cap allowing for contingencies on the construction of the Silvergate Substation Project.

5. To reduce environmental and economic impacts, undergrounding of the 138 kV Tie Line 13815 transmission line should be combined to the extent possible with construction of the new underground Otay Mesa 230 kV transmission line.

6. The preparation and contents of the Final EIR for the Silvergate Substation Project comply with the requirements of CEQA.

7. The Final EIR for this project should be adopted in its entirety, and incorporated by reference in this decision.

8. The Silvergate Substation Project, as described in the Final EIR, should be approved.

O R D E R

IT IS ORDERED that:

1. San Diego Gas & Electric Company's (SDG&E) request to construct the Silvergate Substation Project is granted.

2. The Silvergate Substation shall be an air-insulated substation.

3. We impose a cost cap on the Silvergate Substation Project, consisting of SDG&E's original estimated cost, with the addition of a 10% contingency.

4. Undergrounding of the 138 kilovolt (kV) Tie Line 13815 transmission line shall be combined to the extent possible with construction of the new underground Otay Mesa 230 kV transmission line.

5. The Final Environmental Impact Report (Final EIR) for the Silvergate Substation Project is adopted and incorporated by reference in this decision.

6. The Mitigation Monitoring, Compliance and Reporting Program in the Final EIR is adopted.

7. SDG&E is authorized to construct the Silvergate Substation Project as described in the Final EIR, subject to the mitigation measures and other conditions set forth in the Final EIR.

8. Application 05-03-024 is closed.

This order is effective today.

Dated September 7, 2006, at San Francisco, California.

MICHAEL R. PEEVEY
President
GEOFFREY F. BROWN
DIAN M. GRUENEICH
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APPENDIX A
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APPENDIX A
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