

Decision 07-12-018 December 6, 2007

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFICORP (U901E), an Oregon Corporation, for Permit to Construct the Line 75 115kV Conversion Project Pursuant to General Order 131-D.

Application 05-12-011
(Filed December 13, 2005)

Application of PACIFICORP (U901E), an Oregon Corporation, for Permit to Construct the Weed Segment Project Pursuant to General Order 131-D.

Application 07-01-046
(Filed January 26, 2007)

**OPINION GRANTING PACIFICORP'S REQUEST FOR
A PERMIT TO CONSTRUCT SOUTHERN PORTION OF YREKA-WEED
TRANSMISSION LINE AND WEED SEGMENT PROJECT
AND CERTIFYING ENVIRONMENTAL IMPACT REPORT**

1. Summary

This decision completes approval of the application of PacifiCorp for a permit to construct a 115 kilovolt (kV) electric transmission line and associated substation modifications between the cities of Yreka and Weed in Northern California, as described in Application (A.) 05-12-011. We also approve PacifiCorp's application to construct the Weed Segment Project, consisting of upgrades of a transmission line and accompanying substation as requested in A.07-01-046. We also certify the Final Environmental Impact Report (FEIR) prepared in connection with both the A.05-12-011 and A.07-01-046 projects in accordance with the California Environmental Quality Act (CEQA).

We partially approved construction of the Yreka-Weed transmission line (A.05-12-011) in October 2006 in Decision (D.) 06-10-047. At that time, we allowed PacifiCorp to construct the first 17 miles (of a total of 18.6 miles) of its transmission line, certified an accompanying Final Mitigated Negative Declaration (FMND) that studied that routing, and reserved judgment on the final 1.6 miles due to disputes in the Weed area regarding routing of that section. Thereafter, we held hearings and ordered preparation of the FEIR to consider the environmental impact of various route options.

We have now completed our analysis of both projects, and hereby allow PacifiCorp to finish the Yreka-Weed transmission line, and construct the Weed Segment Project along the environmentally superior route – identified as the “Mackintosh/ ALJ Variation A” alternative route in the FEIR. The environmentally superior route avoids the adverse visual and hydrological impacts presented by PacifiCorp's preferred route, termed Option 3 by PacifiCorp and identified as the Proposed Project in the FEIR. Further, PacifiCorp has recently informed the Commission that it now supports the environmentally superior route, and is no longer proposing Option 3 as its primary route option.

2. The Projects

The remaining transmission line proposed in A.05-12-011 involves an upgrade for approximately 0.7 miles of existing 69 kV transmission line to 115 kV, and construction of a new 1.6-mile section of 115 kV transmission line. The Weed Segment Project proposed in A.07-01-046 involves upgrading approximately 1.5 miles of existing single-circuit 69 kV transmission line to a double-circuit 115 kV transmission line and rebuilding the Weed Substation from

69 kV to 115 kV. The Weed Segment is located near the City of Weed, California, which is located where Highway 97 and Interstate 5 meet.

Most of the upgraded and new transmission line would be constructed using wood poles that would be taller and approximately six inches larger in diameter than the existing poles. Approximately eight of the new poles would be self-supporting steel structures that have the color appearance of wood.

Both projects are located in Siskiyou County, north of the City of Weed, California, and generally traverse open space within the valley floor of Mt. Shasta.

3. Procedural History

On December 13, 2005, PacifiCorp filed A.05-12-011 seeking a permit to construct (PTC)¹ additional transmission capacity between Yreka and Weed, California. In this initial application, PacifiCorp proposed upgrading its existing transmission line from 69 kV to 115 kV for 17 miles between the Yreka substation and the Weed Substation.² PacifiCorp also proposed adding approximately 1.6 miles of new 115 kV transmission line, and modifying three existing substations.

¹ The Commission's General Order (GO) 131-D requires utilities to seek a PTC if the project is designed to operate between 50 kV and 200 kV.

² There are two substations involved in these two applications: the Weed Substation, addressed in A.05-12-011, and the Weed Junction Substation, addressed in A.07-01-046. The assigned Commissioner allowed PacifiCorp to proceed with two of the three proposed substation upgrades (the upgrades to the Yreka Substation and the Weed Junction Substation) by ruling dated June 5, 2006, on the ground they were exempt from CEQA review under GO 131-D. We ratified the assigned Commissioner's June 5, 2006 ruling with regard to these substations in D.06-10-047.

On PacifiCorp's motion,³ we bifurcated the case into two parts. During the first part of the proceeding, we evaluated PacifiCorp's request to construct the first 17 miles of the line, which involved upgrading lines along an existing transmission corridor. We approved that portion of the line without hearings and with the analysis of a FMND (rather than an EIR) in D.06-10-047.

In October 2006, we held hearings on the last 1.6 miles of the line that PacifiCorp proposed be built in an area without existing transmission facilities. We determined thereafter in D.07-03-043⁴ that the concerns raised at hearings by residents of the area affected by the 1.6 mile portion required that we prepare an Environmental Impact Report (EIR) analyzing alternatives to the route PacifiCorp proposed.

PacifiCorp also filed a second application during the early 2007 time period. This application, A.07-01-046, sought approval for the Weed Segment Project, in which PacifiCorp would upgrade a transmission line that began where the 1.6 mile segment left off, and traveled to the Weed Substation, which would also receive upgrades. In an April 4, 2007 ruling, the assigned Commissioner consolidated A.07-01-046 and A.05-12-011, citing an earlier ruling reasoning that to analyze the two connected projects separately would constitute impermissible piecemealing under CEQA.⁵ The same ruling held that the Weed Segment Project should be included in the EIR's analysis.

³ *Motion to Accelerate Procedural Schedule*, filed August 10, 2006.

⁴ We affirmed this decision on rehearing in D.07-07-021.

⁵ We also cited an earlier ruling, *Assigned Commissioner's Ruling Regarding Piecemealing and Substations*, filed June 5, 2006, finding that the Commission should review together

Footnote continued on next page

During the ensuing months of 2007, our consultants prepared the EIR with input from the public. We issued a Draft Environmental Impact Report (DEIR) for public and resource agency comment on July 31, 2007. We held a public meeting on August 28, 2007 in Weed to take public comment on the DEIR. We incorporated all substantive comments received and on October 10, 2007 issued our FEIR.

4. Conclusions of the FEIR

The FEIR concludes that the route identified as the "Mackintosh/ALJ Variation A" alternative is the environmentally superior alternative. That route would keep the new transmission line within the existing right of way along Highway 97, would avoid most of the trimming or removal of mature trees that would be required for the other alternative routes, and would reduce the risk of electricity curtailments because it could be constructed more quickly than other alternatives.

While Highway 97 is where PacifiCorp's existing transmission lines are located, the project will affect views because it uses taller poles and larger conductors. Mitigation measures have been developed to reduce these impacts, including development of a landscape plan and consultation with Siskiyou County Public Works Department, Caltrans, and the Volcanic Legacy Community Partnership to partially screen close range and long range unobstructed views of certain poles along Highway 97. However, even with implementation of this measure, due to the status of Highway 97 as a designated

the Yreka-Weed transmission line project applied for in A.05-12-011, and the Weed Segment Project for which PacifiCorp had not yet filed an application.

National Scenic Byway, designated County Scenic Highway, and an Eligible State Scenic Highway, this impact would remain significant after mitigation.

Otherwise, all impacts of the environmentally superior alternative can be mitigated. The more notable of those impacts, and their mitigation, are as follows; all impacts of the environmentally superior route, and all mitigation, are contained in Appendix A to this decision:

- *Aesthetics/visual resources.* First, for all routes studied, including the environmentally superior route, the Weed Segment Project proposed in A.07-01-046 would affect views from a limited portion of the Lincoln Heights residential area in Weed. Mitigation of this impact would involve siting and designing one pole to minimize effects, and developing a landscape plan to screen views of the pole, with Commission review and approval (via the Energy Division) before construction.⁶ Second, the environmentally superior alternative and the Weed Segment Substation upgrade could create new sources of glare. Mitigation would involve use of nonspecular conductors for the transmission line, and the application of non-reflective or weathered finish to new structures and equipment at the Weed Substation.
- *Biological resources.* Construction activities would impact habitat and could potentially impact habitat elements such as dens and burrows and transient wildlife; known and unknown populations of special-status plant species; jurisdictional waters of the United States; habitat within the mule deer winter range; active nest sites; and foraging bald eagles. Additionally, construction activities could potentially spread noxious or invasive weeds. Mitigation would involve, among other things, creating buffer zones to minimize impacts to raptors and other large birds, with especially stringent mitigation during nesting season; halting of activities when a bald eagle is seen within 100 yards; a construction moratorium

⁶ The Commission's Energy Division and its consultants will be responsible for ensuring that PacifiCorp complies with all mitigation required with the environmentally superior alternative. Decisions that are part of the mitigation requirement need not come back to the Commission for consideration.

between November 15 and March 15 to avoid impacts on the mule deer winter range; and avoidance and use of driving mats to avoid impacts on jurisdictional waters.

- *Hydrology and water quality.* Installation of steel Pole 19/45, because of its location and the depth of the required hole, could affect the production or flow of nearby springs or groundwater, or impact local drainage patterns. The required mitigation calls for monitoring of whether, after drilling the hole for the Pole 19/45, the water level drops. If it does, PacifiCorp must seal the affected hole to prevent the level from dropping further, as more fully explained in mitigation measure HYD-VAR/A-4a in Appendix A to this decision.

Consistent with CEQA's requirements, we find that the DEIR and FEIR together provide a detailed and competent informational document and reflect the independent judgment and analysis of the Commission. In addition, we find that the projects, with implementation of the Mitigation Monitoring, Reporting, and Compliance Program we discuss below, will not have a significant effect on the environment except in one respect. As to the significant and unmitigable impact on aesthetics along Highway 97, we note that when a project involves a significant and unmitigable impact, we must adopt a statement of overriding consideration as a prerequisite to approving the project. Because all other routes studied pose even greater environmental impacts, and it is not feasible to adopt the no project alternative given electric demand in the area, we adopt a statement of overriding consideration for the environmentally superior route and approve the project, as more fully addressed in Section 9 below.

5. Mitigation Monitoring, Reporting, and Compliance Program

When approving projects with EIRs that identify significant impacts, CEQA requires public agencies to adopt monitoring and reporting programs or conditions of project approval to mitigate or avoid the identified significant

effects. (Public Resources Code § 21081.6(a)(1).) A public agency adopting measures to mitigate or avoid the significant impacts of a proposed project is required to ensure that the measures are fully enforceable, through permit conditions, agreements, or other means. (Public Resources Code § 21081.6(b).) The mitigation measures required by a public agency to reduce or avoid significant project impacts not incorporated into the design or program for the project, may be made conditions of project approval as set forth in a Mitigation Monitoring, Reporting, and Compliance Program (MMRCP). The program must be designed to ensure project compliance with mitigation measures during project implementation.

In this case, an MMRCP has been prepared to ensure that each mitigable environmental impact discussed in the FEIR is properly mitigated. The MMRCP describes specific actions required to implement each mitigation measure, including information on the timing of implementation and monitoring requirements. The detailed MMRCP appears in Appendix A of the FEIR.⁷ The approval we grant to PacifiCorp in this decision shall be subject to compliance with all provisions in the MMRCP.

6. Electro Magnetic Field (EMF) Issues

CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, primarily because of the lack of scientific evidence of such risk. The Commission has examined EMF impacts in several previous proceedings. We found the scientific evidence presented in

⁷ We admit the FEIR (which incorporates the DEIR) into the record as Exhibit 301.

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.

However, recognizing that public concern remains, we do require (GO 131-D, Section X) that all requests for a PTC must 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.⁸ The benchmark established for low-cost measures is 4% of the total budgeted project cost that result in an EMF reduction of at least 15% (as measured at the edge of the utility right-of-way). Section 2.9 of the DEIR (incorporated as part of the FEIR and attached hereto as Appendix B) sets forth the no- and low-cost mitigation PacifiCorp must implement to mitigate EMFs for the projects at issue here. Our approval of the projects is conditioned upon implementation of this mitigation.

7. Protests

All of the formal protests to the A.05-12-011 oppose the route that PacifiCorp initially proposed for the final 1.6 miles of transmission upgrades, and continued to advocate into 2007. That route, known as Option 3 in the FEIR, would not follow the existing transmission corridor over the last 1.6 miles, but instead would cross a scenic, spring-filled valley in the shadow of Mt. Shasta. The protests, filed by homeowners in the valley, object to creation of a new

⁸ D.06-01-042 and D.93-11-013.

transmission corridor across pastureland adjacent to or on their properties.⁹ They propose adoption of a route that follows the same path as the route the FEIR finds to be the environmentally superior alternative. The City of Weed initially filed a protest,¹⁰ but later withdrew it.¹¹

There were no protests to A.07-01-046. Certain residents of the area covered by the Weed Segment Project gave input expressing concerns about that project at the August 28, 2007 public meeting held to take input on the DEIR.

The FEIR summarizes and responds to the comments received at that meeting as well as in writing. The FEIR also contains changes reflecting the expressed concerns. Briefly, the key changes in the FEIR are as follows:

- *Environmentally Superior Route.* The FEIR finds that all three route alternatives that follow the existing right-of-way along Highway 97 are environmentally superior to the route that crosses open pasture. The FEIR identifies the Mackintosh/ALJ Variation A as the environmentally superior route because it would keep the new transmission line within the existing right-of-way, thus avoiding tree trimming and removal, and would not require construction of a temporary pole line.

⁹ *Don and Judy Mackintosh's Protest to PacifiCorp Application to Construct a New Transmission Line*, filed December 30, 2005; *Chris and Shelly Pappas' Protest to PacifiCorp Application to Construct a New Transmission Line*, filed January 12, 2006; and *Leonard and Barbara Luiz's Protest to PacifiCorp Application to Construct a New Transmission Line*, filed January 17, 2006.

¹⁰ *City of Weed's Protest to PacifiCorp Application to Construct a New Transmission Line*, filed January 24, 2006.

¹¹ [City of Weed's] *Withdrawal of Protest*, filed June 14, 2006.

- *Mitigation.* The required mitigation for aesthetic, biological and hydrology impact is changed somewhat. This text of this decision reflects the mitigation measures required by the FEIR.

However, the FEIR concludes that those comments do not alter its conclusion that all environmental impacts of the Weed Segment Project can be mitigated, and that all impacts except the Highway 97 impact of the A.05-12-011 project are mitigable.

8. Need for Project

8.1 A.05-12-011

We concluded in D.06-10-047 that the Yreka-Weed transmission line project that is the subject of A.05-12-011 was needed. We relied on PacifiCorp's explanation in its application that there was growth in the Mount Shasta and Weed areas of about 2.5% per year, which had led to overloading on the line during summer and winter peak periods. PacifiCorp asserted in its application that thermal line overload had been a common occurrence and schedule curtailment had occurred over the two-year period before PacifiCorp filed the application. PacifiCorp claimed that it might in the future be required to shed distribution customer load and curtail contracted scheduled flow to avoid an overload condition.

We also addressed need in D.07-03-043, affirmed on rehearing in D.07-07-021, after obtaining greater information at the October 2006 hearings about usage of the then-existing line. We found that the need for a transmission upgrade was due to a contract PacifiCorp signed with a firm transmission customer, Powerex, rather than due to growth in PacifiCorp's local customer base. Nonetheless, we did not reverse our earlier conclusion that the line was needed, and nothing we have learned since we issued the foregoing decisions

has changed our view. We find the project is needed to ensure electric reliability in the Yreka-Weed area.

8.2 A.07-01-046

The Weed Segment Project is essential to allow the transmission system we approve in A.05-12-011 to operate properly, and no party disputes the need for the project.

9. Statement of Overriding Considerations

The environmentally superior alternative would have one significant and unmitigable impact on views along Highway 97, a designated National Scenic Byway, designated County Scenic Highway, and an Eligible State Scenic Highway. We have determined, pursuant to Section 15093 of the State of California CEQA Guidelines, that the benefits of the project outweigh the adverse impacts and that the project should be approved. The Commission specifically finds that there are specific social, economic and other reasons for approving this project, and that there is substantial evidence in the record to determine that the benefits of the project outweigh the adverse impacts and that the project should be approved. Pursuant to this finding, the Commission is adopting and certifies this Statement of Overriding Considerations.

The specific social, economic and other reasons for approving this project, which override the unavoidable visual impact along Highway 97 are as follows:

- The project incorporates feasible mitigation measures to ensure that the environmental impacts are minimized to a reasonable and practicable level.
- Construction of the transmission projects at issue in this decision ensures the continued availability of electric power to the residents and businesses in and around Weed, California.

- Construction of the projects we approve here will obviate the need for curtailment of electric power to the affected area.

10. Conclusion

Based on the application, the DEIR, FEIR, the mitigation measures identified therein and incorporated into the project, the Commission finds that the project outlined in A.05-12-011 and not already approved pursuant to D.06-10-047, will not have a significant environmental impact, or in the case of significant and unmitigable impact, is subject to a statement of overriding consideration. The project outlined in A.07-01-046 will not have a significant environmental impact. Both projects are necessary for electric reliability purposes and should be approved. Concurrently, we certify the FEIR (consisting of the DEIR and FEIR) pursuant to CEQA.

11. Comments on Proposed Decision

The proposed decision of the ALJ Thomas in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Don and Judy Mackintosh filed comments on the proposed decision. While they wish the EIR had found a different route to be environmentally superior, they do not object to the conclusions of the proposed decision. No other party filed comments. Thus, we make no changes to the proposed decision.

12. Categorization and Need for Hearings

These matters were preliminarily categorized as ratesetting and there is no need to alter this categorization. The Commission initially categorized A.05-12-011 as a proceeding requiring hearings, and hearings were in fact held

with regard to a portion of the project. The Commission categorized A.07-01-046 as a proceeding not requiring hearings, and no hearings were held.

13. Assignment of Proceeding

Michael R. Peevey is the assigned Commissioner and Sarah R. Thomas is the assigned ALJ in this proceeding.

Findings of Fact

1. The project outlined in A.05-12-011 and not already approved pursuant to D.06-10-047, will not have significant environmental impacts that cannot be mitigated, with one exception along Highway 97.

2. In the case of the single significant and unmitigable impact along Highway 97, overriding considerations require approval of the project.

3. The project outlined in A.07-01-046 will not have a significant environmental impact that cannot be mitigated.

4. The MMRCPP, included as part of FEIR, specifically describes the mitigation measures to be taken.

5. All but one of the environmental impacts identified in the FEIR for the environmentally superior alternative can be avoided or reduced to less than significant levels by mitigation measures.

6. The projects are necessary to meet growth and reliability needs in the Yreka and Weed areas.

7. The Commission has considered the FEIR in determining to approve the projects.

Conclusions of Law

1. The FEIR, consisting of the DEIR and FEIR, has been processed and completed in compliance with the requirements of CEQA.

2. PacifiCorp's applications for a PTC for the project outlined in A.05-12-011 and not already approved pursuant to D.06-10-047, and the project outlined in A.07-01-046, should be approved, subject to the Mitigation Monitoring, Reporting and Compliance Program included in the FEIR.

3. Pursuant to Section 15093 of the State of California CEQA Guidelines, we should adopt a Statement of Overriding Considerations for the significant and unmitigable visual impact presented by the project in A.05-12-011 along Highway 97. The benefits of the projects outweigh the adverse impacts and that the project should be approved. The Commission specifically finds that there are specific social, economic and other reasons for approving both projects, that there is substantial evidence in the record to determine that the benefits of the projects outweigh the adverse impacts, and that the projects should be approved.

4. Possible exposure to EMFs has been reduced by the no-cost and low-cost measures included in the projects, as set forth in Section 2.9 of the DEIR and incorporated into the FEIR, pursuant to D.93-11-013 and D.06-01-042.

5. Because of the need for timely action, today's decision should be made effective immediately.

O R D E R

IT IS ORDERED that:

1. PacifiCorp's application for a permit to construct (PTC) the project outlined in Application (A.) 05-12-011 and not already approved pursuant to Decision (D.) 06-10-047 is hereby approved as set forth below.

2. PacifiCorp's application for a PTC for the project outlined in A.07-01-046 is hereby approved as set forth below.

3. The Final Environmental Impact Report (FEIR) related to the applications in this proceeding, consisting of both the Draft EIR and FEIR, is adopted

pursuant to the requirements of the California Environmental Quality Act (CEQA).

4. The FEIR, consisting of the DEIR and FEIR, is identified as Exhibit 301, and is received into evidence on the date it was issued by the Commission.

5. The Mitigation Monitoring, Reporting and Compliance Program (MMRCP) included in the FEIR and attached hereto as Appendix A is adopted, and compliance with the MMRCP is an express condition of the approvals we grant herein.

6. Pursuant to Section 15093 of the State of California CEQA Guidelines, we adopt a Statement of Overriding Considerations for the significant and unmitigable visual impact presented by the project in A.05-12-011 along Highway 97.

7. PacifiCorp is authorized to construct the power lines and associated substation modifications identified and described in this decision, subject to PacifiCorp's written agreement to abide by the mitigation measures described in the FEIR and MMRCP to avoid or mitigate the reasonably foreseeable adverse environmental effects of the project.

8. PacifiCorp shall implement the no-cost and low-cost EMF mitigation set forth in Section 2.9 of the DEIR and incorporated into the FEIR, attached hereto as Appendix B.

9. The Executive Director shall supervise and oversee construction of the projects approved herein by monitoring and enforcing the mitigation conditions described in the FEIR and MMRCP. The Executive Director may delegate his duties to one or more Commission staff members or outside staff. The Executive Director is authorized to employ staff independent of the Commission staff to carry out such functions, including, without limitation, the on-site

environmental inspection, environmental monitoring, and environmental mitigation supervision of the construction of the project. Such staff may be individually qualified professional environmental monitors or may be employed by one or more firms or organizations. In monitoring the implementation of the environmental mitigation measures described in the FEIR, the Executive Director shall attribute the acts and omissions of PacifiCorp's employees, contractors, subcontractors, or other agents to PacifiCorp.

10. PacifiCorp shall comply with all orders and directives of the Executive Director concerning implementation of the environmental mitigation measures described in the FEIR.

11. The Executive Director shall not authorize PacifiCorp to commence actual construction until PacifiCorp has entered into a cost reimbursement agreement with the Commission for the recovery of the costs of the mitigation monitoring program described in the FEIR, including, but not limited to, special studies, outside staff, or Commission staff costs directly attributable to mitigation monitoring. The Executive Director is authorized to enter into an agreement with PacifiCorp that provides for such reimbursement on terms and conditions consistent with this decision in a form satisfactory to the Executive Director. The terms and conditions of such agreement shall be deemed conditions of approval of the application to the same extent as if they were set forth in full in this decision.

12. The Commission project manager (Energy Division, Transmission and Environmental Permitting Section) 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 mitigation measures described in the FEIR. Construction

may not resume without a Notice to Proceed issued by the Transmission and Environmental Permitting Section of the Energy Division.

13. PacifiCorp's right to construct the projects as set forth in this decision shall be subject to all other necessary state and local permitting processes and approvals.

14. PacifiCorp shall file a written notice of its agreement with the Commission, served on all parties to this proceeding, executed by a duly authorized officer of PacifiCorp, as evidenced by a resolution of its board of directors duly authenticated by a secretary or assistant secretary of PacifiCorp, to acknowledge PacifiCorp's acceptance of the conditions set forth in this order. Failure to file such notice within 75 days of the effective date of this decision shall result in the lapse of the authority granted by this decision.

15. The Executive Director shall file a Notice of Determination for the projects approved herein as required by the CEQA and the regulations promulgated pursuant thereto.

16. We ratify the ruling of the assigned Commissioner requiring the projects in A.05-12-011 and A.07-01-046 to be consolidated and evaluated together under CEQA.

17. A.05-12-011 and A.07-01-046 are closed.

This order is effective today.

Dated December 6, 2007, at San Francisco, California

MICHAEL R. PEEVEY
President
DIAN M. GRUENEICH
JOHN A. BOHN
RACHELLE B. CHONG
TIMOTHY ALAN SIMON
Commissioners