

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-4306
December 17, 2009

R E S O L U T I O N

Resolution E-4306. Pacific Gas and Electric (PG&E).

PROPOSED OUTCOME: This resolution approves an Encroachment Agreement between PG&E and Bohemia Properties, (Bohemia) pursuant to Public Utilities Code Section 851.

ESTIMATED COSTS: None

By Advice Letter 3553E. Filed on November 3, 2009.

SUMMARY

This Resolution approves PG&E's Advice Letter 3553E seeking approval under Public Utilities (PU) Code Section 851 to grant Bohemia Properties a combined Bridge and Storm Drain easement along PG&E fee property located in the City of Auburn, Placer County, California. Advice Letter 3553E was processed pursuant to Resolution ALJ-202. This Resolution is effective immediately.

BACKGROUND

Utilities proposing to sell, lease, dispose of, or otherwise encumber property must comply with PU Code Section 851. Ordinarily, such a proposal would entail a full Application to the Commission, including a review pursuant to CEQA or a demonstration that such a review is not necessary. The Commission on August 25, 2005, initiated a 24-month pilot program per Resolution ALJ-186 that provides for an expedited process for certain transactions meeting criteria specified in the Resolution. On August 23, 2007, the Commission approved Resolution ALJ-202, which extends the pilot program an additional 36 months. Resolution ALJ-202 provides for an expedited process for certain transactions meeting criteria specified in the ALJ Resolution. For proposals that meet the requirements, an Advice Letter may be filed demonstrating the applicability of

the pilot program to the utility's proposal and requesting an expedited review of the Advice Letter, resulting in a Resolution confirming that the proposal meets the requirements of Resolution ALJ-202 and granting approval to the proposed project.

On November 3, 2009, PG&E filed Advice Letter 3475E pursuant to the pilot program requesting approval of an easement along PG&E fee property located in the City of Auburn. This fee property houses the Wise Canal which supports PG&E hydro electric facilities. Bohemia intends to use the easement to replace the existing Bohemia Bridge with a stronger and expanded two-lane bridge to allow for emergency access of large vehicles and fire trucks. Approval of the easement will not interfere with PG&E's provision of reliable utility service. Protests or comments were due to the Commission on November 23, 2009. No protests or comments were filed.

PG&E originally owned significant property near the Wise Canal in fee simple. In 1969, PG&E sold most of this fee simple property to Simplot Industries Incorporated, who then transferred ownership to Bohemia. Bohemia has the right to maintain and use the facilities within the boundaries of the Canal land. However under this agreement, Bohemia is required to notify and seek approval from PG&E for any modifications on the property.

Bohemia is marketing the site for commercial use to a third party developer. Per the commercial zoning requirements, access to the property will primarily be through the bridge. Placer County has approved conceptual plans for the construction of a new wider replacement bridge, but no construction will take place until more detailed design build and engineering plans are submitted to the County. PG&E is seeking Commission authority to grant Bohemia a nonexclusive easement modification establishing a larger footprint of the potential new bridge so that Bohemia can complete the sale of the property to the developer.

PG&E has notified the Stewardship Council of the proposed easement transaction, pursuant to that body's Third Party Use Policy. The Executive Director of the Stewardship Council has determined, by letter, that there is no reasonable possibility the proposed sale will have an adverse impact on its long-term planning and management objectives for the Lower Drum Planning Unit.

This transaction is categorically exempt from environmental review under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because it falls under alterations of existing facilities involving negligible expansion of use.

NOTICE

Notice of AL 3553-E was made by publication in the Commission's Daily Calendar. PG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section 3.14 of General Order 96-B.

PROTESTS

No protests or comments to Advice Letter 3553E were filed.

DISCUSSION

The Energy Division has reviewed PG&E's Advice Letter 3553E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 3553E satisfies the filing requirements specified in Appendix A Section IV. 1-13 of Resolution ALJ-202.

The Energy Division has independently reviewed this transaction and found it exempt from environmental review under Section 15301 of the California Environmental Quality Act (CEQA) Guidelines because it falls under alterations of existing facilities involving negligible expansion of use.

The Energy Division finds that expedited treatment pursuant to Section II of Resolution ALJ-202 is appropriate for AL 3553 approval.

COMMENTS

This is an uncontested matter in which the resolution grants the relief requested. Accordingly, pursuant to PU Code 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived

FINDINGS AND CONCLUSIONS

1. On November 3, 2009, Pacific Gas and Electric filed Advice Letter 3553E seeking authority under Public Utilities Code Section 851 to approve an Encroachment Agreement between PG&E and Bohemia Properties in the City of Auburn in Placer County.
2. PG&E filed AL 3553E pursuant to a pilot program specified in Resolution ALJ-202.
3. No protests or comments were received by the Commission.
4. PG&E originally owned significant property near the Wise Canal in fee simple. In 1969, PG&E sold most of this fee simple property to Simplot Industries Incorporated, who then transferred ownership to Bohemia.
5. Bohemia is marketing the site for commercial use to a third party developer and access to the property will primarily be through the bridge.
6. PG&E is seeking Commission authority to grant Bohemia a nonexclusive easement modification establishing a larger footprint of the potential new bridge so that Bohemia can complete the sale of the property to the developer.
7. PG&E has notified the Stewardship Council of the proposed easement transaction and the Executive Director of the Council has determined that there is no reasonable possibility the proposed sale will have an adverse impact on its long-term planning and management objectives for the Lower Drum Planning Unit.
8. PG&E has determined that the improvements do not interfere with PG&E's ability to provide reliable utility service to its customers.
9. The project is Categorical Exempt from the California Environmental Quality Act in accordance with section 15301 of the CEQA Guidelines.
10. The Energy Division has reviewed PG&E's Advice Letter 3553E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202.
11. PG&E's Advice Letter 3553E satisfies the filing requirements specified in Section IV, 1-13 of Resolution ALJ-202 and includes all of the information necessary to provide a satisfactory review of this proposed transaction.
12. The Energy Division finds that expedited treatment pursuant to Section II of ALJ-202 is appropriate for AL 3553E and that the Advice Letter should be approved.
13. This is an uncontested matter in which the resolution grants the relief requested.

THEREFORE IT IS ORDERED THAT:

1. The request of PG&E for approval of an Encroachment Agreement between PG&E and Bohemia Properties for a combined Bridge and Storm Drain easement in the City of Auburn, Placer County is granted.

This Resolution is effective today.

I certify that the foregoing resolution was duly introduced, passed and adopted at a conference of the Public Utilities Commission of the State of California held on December 17, 2009; the following Commissioners voting favorably thereon:

/s/ Paul Clanon
Paul Clanon
Executive Director

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