

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

**ENERGY DIVISION**

**RESOLUTION E-4308**  
**April 08, 2010**

**R E S O L U T I O N**

Resolution E-4308. This Resolution approves PacifiCorp's advice letter 384-E seeking authority under Public Utilities Commission Code Section 851 to sell 1.16 acres of property associated with the Iron Gate hydroelectric generating facility to Siskiyou County Department of Public Works. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements.

Resolution 4308, PacifiCorp

Proposed Outcome: PacifiCorp's request is approved.

Estimated Cost: \$500

By Advice Letter 384-E filed on October 05, 2009.

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**SUMMARY**

This Resolution approves PacifiCorp's Advice Letter 384-E seeking approval under Public Utilities Code Section 851 to grant the Siskiyou County DPW sale of 1.16 acres of property associated with the Iron Gate hydroelectric generating facility on PacifiCorp property. Advice Letter 384-E was processed pursuant to Resolution ALJ-202, providing for expedited action. This Resolution is effective immediately.

## **BACKGROUND**

Utilities proposing to sell, lease, dispose of, or otherwise encumber property necessary or useful to the performance of its duties to the public 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 has initiated a pilot program per Resolution ALJ-202 that 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. In order to approve projects under the pilot program, the Commission must pass a Resolution confirming that the proposal meets the requirements of Resolution ALJ-202.

On October, 5 2009 PacifiCorp filed Advice Letter 384-E sale to the Siskiyou County DPW (the County) of 1.16 acre parcel of property associated with the Company's Iron Gate hydroelectric generating facility. The County wish to purchase and own the parcel in fee in order to simplify access for the operation and maintenance of the current Jenny Creek Bridge on the county road crossing this parcel.

The current sale price has been appraised at of \$500, as such the transaction is well below the ceiling of \$5 million set for full proceedings and therefore qualifies for an advice letter.

The Commission has broad discretion to determine if it is in the public interest to authorize a transaction pursuant to Section 851. The primary standard used by the Commission is whether the transaction will serve the public interest. Where necessary and appropriate, the Commission may attach conditions to a transaction in order to protect and promote the public interest.<sup>1</sup>

The commission must assess financial terms and their proposed distribution, any impact upon PacifiCorp's ratebase and the fair book price for the transfer of the property. The property has been appraised at \$500

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<sup>1</sup> D.01-06-007, *mimeo*, p. 17.

and has a book value of \$144, the net proceeds of \$356 will be distributed in accordance with D.06-05-041. It is the Commissions view that for disposal of minor property such as this, the effect on ratebase is negligible and the transfer does not affect public interest. Furthermore, the disposal of this property is not expected to affect PacifiCorp's ability to carry out its public responsibilities.

As part of the resolution it is necessary to access whether a CEQA review is necessary or has already been undertaken. In the case of AL 384 - E, PacifiCorp contends that the sale of the Iron Gate property by PacifiCorp to Siskiyou County DPW is a project under CEQA pursuant to CEQA guidelines 15301 (a)(1) and is exempt CEQA under 15300 et seq . Bridge replacement and upgrading took place prior to the requested transfer and was completed in spring 2009. Following discussion with the County, the Commission finds that that there is no foreseeable change of use or expansion to facilities that will require CEQA analysis.

### **NOTICE**

Notice of Advice Letter 384-E was made by publication in the Commission's Daily Calendar.

### **PROTESTS**

No protests or comments to Advice Letter 384-E were filed.

### **DISCUSSION**

The Energy Division has reviewed PacifiCorp's Advice Letter 384-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 384-E satisfies the filing requirements specified in Appendix A Section IV. 1-13 of Resolution ALJ-202.

The Energy Division finds that expedited treatment pursuant to Section II of Resolution ALJ-202 is appropriate for AL 384-E and that no reason to deny the approval of Advice Letter 384-E exists pursuant to Section VII. A. 3 of Resolution ALJ-202.

**COMMENTS**

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

**FINDINGS AND CONCLUSIONS**

1. On October, 5 2009 PACIFICORP filed Advice Letter 384-E requesting authority to sell 1.16 acres of property associated with the Iron Gate hydroelectric generating facility to Siskiyou County Department of Public Works.
2. Sale of this parcel will allow the County to own in fee Jenny Bridge this will simplify access for repair a maintenance.
3. The sale of this parcel to the County of Siskiyou is for \$500.
4. The sale of this parcel has negligible effect upon the ratebase or the ability of PacifiCorp to serve its customers and the public.
5. The transaction is a project under CEQA but is categorically exempt as there is no foreseeable change of use or modification to current use.

**THEREFORE IT IS ORDERED THAT:**

Pursuant to Public Utilities Code 851, the CPUC authorizes the granting of the sale to the Siskiyou County DPW by PacifiCorp as requested in Advice Letter 384-E. 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 April 08, 2010; the following Commissioners voting favorably thereon:

/s/ Paul Clanon

Paul Clanon  
Executive Director

MICHAEL R. PEEVEY  
PRESIDENT  
DIAN M. GRUENEICH  
JOHN A. BOHN  
TIMOTHY ALAN SIMON  
NANCY E. RYAN  
Commissioners