

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

**ENERGY DIVISION**

**RESOLUTION E-4067**

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

Resolution E-4067. San Diego Gas & Electric Company (SDG&E).

By Advice Letter 1853-E. Filed on December 18, 2006.

---

**SUMMARY**

This Resolution approves SDG&E's Advice Letter 1853-E pursuant to General Order 131-D (GO 131-D), Section XI, Subsection B.4 of the Construction of Facilities that are exempt from a Permit to Construct. GO 131-D was adopted by the California Public Utilities Commission (Commission) in Decision D. 94-06-014 and modified by D.95-08-038. This Resolution is effective immediately.

**BACKGROUND**

The purpose of the 30<sup>th</sup> Street Phase II Undergrounding Project is to beautify the Greater Golden Hill and Southeastern San Diego area by converting existing overhead power and communication systems to underground systems. The project is part of the City of San Diego surcharge, 20SD, program which converts overhead utilities to underground.

This project converts a 2.4 mile section of 138 kV tie line 13815 on 30<sup>th</sup> Street in the City of San Diego from overhead to underground pursuant to the City of San Diego's surcharge program. This project is the second phase of the 30<sup>th</sup> Street conversion. Phase I converted 1.4 miles of tie line 13815 along 30<sup>th</sup> Street, terminating at a cable pole north of Maple Court. Phase I was completed in April 2002. Phase II will continue the City of San Diego's beautification of the 30<sup>th</sup> Street corridor by removing overhead utility facilities and installing new underground facilities to continue providing safe and reliable electric service.

The City of San Diego has prepared an Initial Study to identify the potential for significant environmental impacts which could be associated with the 30<sup>th</sup> Street Transmission Undergrounding Project, pursuant to Section 15063 of the State CEQA guidelines.

SDG&E has reviewed the 30<sup>th</sup> Street Transmission Undergrounding Project for potential environmental impacts contained within the CEQA Initial Study Checklist (Checklist) and associated MND. The results of the Checklist and MND specifically considered the potential impacts to the existing overhead route and proposed new underground route, as well as all other general environmental considerations and found that this project will not create any significant incremental or cumulative effects. Any potential significant Historic Resources (Archaeology) impacts would be addressed through specific mitigation noted in Section V of the MND.

Pursuant to GO 131-D, Section XI, Subsection B.4, SDG&E submits notice of construction to convert one existing 138 kV transmission line from overhead to underground in San Diego community of Greater Golden Hill and Southeastern San Diego as part of the City of San Diego surcharge, 20SD program.

This project is exempt from PTC requirements because, consistent with GO 131-D, Section III, Subsection B.1.d, the conversion of existing overhead lines to underground. Furthermore, the project is exempt from a PTC because, consistent with GO 131-D, Section III, Subsection B.1.g, all of the facilities will be located in an existing franchise, road-widening setback, easement or public utility easement. The second half of Subsection B.1.g, the City of San Diego's California Environmental Quality Act (CEQA) analysis<sup>1</sup> of the related undergrounding district, resulting in a Mitigated Negative Declaration (MND), provides an additional source of a PTC exemption. Finally, the City of San Diego's CEQA analysis, which SDG&E has reviewed, indicates that no exceptions to the PTC exemption exist.

---

<sup>1</sup> The San Diego City Council approved the MND at its regular meeting on December 5, 2006, noting that contrary to the reference to 25<sup>th</sup> Street on Figures 1 and 2, the MND in fact analyzed the actual route along 26<sup>th</sup> Street. The video of the City Council meeting is available at the City of San Diego's website.

No cost information is required for this Advice Letter filing.

This Advice Letter filing will not result in an increase in any rate or charge, conflict with any rate schedule or rules, nor cause the withdrawal of service or result in more restrictive conditions.

## **NOTICE**

Notice of AL 1853-E was made by publication in the Commission's Daily Calendar. SDG&E states that a copy of the Advice Letter was mailed and distributed in accordance with Section III-G of General Order 96-A.

## **PROTESTS**

Advice Letter 1853-E was protested.

SDG&E's Advice Letter AL 1853-E was timely protested by Hal Tyvoll on December 26, 2006.

SDG&E responded to the protests of Hal Tyvoll, on January 12, 2007.

The Protest focuses primarily on Electric and Magnetic Fields ("EMF") concerns, stating generally that: (1) simple underground construction is insufficient to reduce EMF and additional measures, such as shielding and deeper burial, should be implemented; (2) EMF causes adverse health effects, SDG&E failed to provide information on existing or projected field levels, SDG&E's modeling results are questionable and modeling should be predictive of post-construction EMF levels; and (3) the Phase II project is too close to various schools. Ultimately, the Protest concludes that the mitigation is insufficient and that Phase II "is being overbuilt for future expansions of SDG&E's power grid."

The Protestant previously raised the above arguments in connection with the Phase I Project, C.04-12-026, which resulted in issuance of D.06-04-047. The Phase II Project complies in all respects with D.06-04-047.<sup>2</sup> The Phase II Project has undergone extensive public noticing and complete environmental review in

---

<sup>2</sup> D.06-04-047, 2006 Cal. PUC LEXIS 169, CAUSE v. SDG&E

compliance with CEQA. The undergrounding route for the Phase II Project was approved by the City in its MND and complies with the City ordinance authorizing undergrounding construction outside of the district boundaries. Finally, the EMF issues in this Protest are the same issues the Commission considered and rejected in D.06-04-047 and other relevant Commission decisions.

## **DISCUSSION**

Energy Division has reviewed SDG&E's Advice Letter 1853-E pursuant to General Order 131-D (GO 131-D), Section XI, Subsection B.4 of the Construction of Facilities that are exempt from a Permit to Construct. GO 131-D was adopted by the California Public Utilities Commission (Commission) in Decision D. 94-06-014 and modified by D.95-08-038.

Pursuant to Commission GO 131-D, Section III, Subsection B.1, the Project meets the specific conditions which exempt the Project from the Commission's requirement to file for an application requesting authority to construct. This project qualifies for the following exemptions:

"d. the conversion of existing overhead lines to underground";

"g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts."

## **COMMENTS**

This Resolution is effective immediately.

## **FINDINGS**

1. On December 18, 2006, San Diego Gas & Electric (SDG&E) filed Advice Letter 1853-E; Notice of Proposed Construction to Convert Existing 138 kV Transmission Line from Overhead to Underground in the City of San Diego Community of Greater Golden Hill and Southeastern San Diego.

2. The purpose of the 30<sup>th</sup> Street Phase II Undergrounding Project is to beautify the Greater Golden Hill and Southeastern San Diego area by converting existing overhead power and communication systems to underground systems.
3. The project is part of the City of San Diego surcharge, 20SD, program which converts overhead utilities to underground.
4. This project converts a 2.4 mile section of 138 kV tie line 13815 on 30<sup>th</sup> Street in the City of San Diego from overhead to underground pursuant to the City of San Diego's surcharge program.
5. This project is the second phase of the 30<sup>th</sup> Street conversion.
6. Phase I converted 1.4 miles of tie line 13815 along 30<sup>th</sup> Street, terminating at a cable pole north of Maple Court. Phase I was completed in April 2002.
7. Phase II will continue the City of San Diego's beautification of the 30<sup>th</sup> Street corridor by removing overhead utility facilities and installing new underground facilities to continue providing safe and reliable electric service.
8. The City of San Diego has prepared an Initial Study to identify the potential for significant environmental impacts which could be associated with the 30<sup>th</sup> Street Transmission Undergrounding Project, pursuant to Section 15063 of the State CEQA guidelines.
9. SDG&E has reviewed the 30<sup>th</sup> Street Transmission Undergrounding Project for potential environmental impacts contained within the CEQA Initial Study Checklist (Checklist) and associated MND.
10. The results of the Checklist and MND specifically considered the potential impacts to the existing overhead route and proposed new underground route, as well as all other general environmental considerations and found that this project will not create any significant incremental or cumulative effects. Any potential significant Historic Resources (Archaeology) impacts would be addressed through specific mitigation noted in Section V of the MND.
11. This project is exempt from PTC requirements because, consistent with GO 131-D, Section III , Subsection B.1.d, the conversion of existing overhead lines to underground.
12. Furthermore, the project is exempt from a PTC because, consistent with GO 131-D, Section III, Subsection B.1.g, all of the facilities will be located in an existing franchise, road-widening setback, easement or public utility easement.
13. The second half of Subsection B.1.g, the City of San Diego's California Environmental Quality Act (CEQA) analysis of the related undergrounding

district, resulting in a Mitigated Negative Declaration (MND), provides an additional source of a PTC exemption.

14. Finally, the City of San Diego's CEQA analysis, which SDG&E has reviewed, indicates that no exceptions to the PTC exemption exist.
15. No cost information is required for this Advice Letter filing.
16. This Advice Letter filing will not result in an increase in any rate or charge, conflict with any rate schedule or rules, nor cause the withdrawal of service or result in more restrictive conditions.
17. Advice Letter 1853-E was protested.
18. SDG&E's Advice Letter AL 1853-E was timely protested by Hal Tyvoll on December 26, 2006.
19. SDG&E responded to the protests of Hal Tyvoll, on January 12, 2007.
20. The Protest focuses primarily on Electric and Magnetic Fields ("EMF") concerns, stating generally that: (1) simple underground construction is insufficient to reduce EMF and additional measures, such as shielding and deeper burial, should be implemented; (2) EMF causes adverse health effects, SDG&E failed to provide information on existing or projected field levels, SDG&E's modeling results are questionable and modeling should be predictive of post-construction EMF levels; and (3) the Phase II project is too close to various schools. Ultimately, the Protest concludes that the mitigation is insufficient and that Phase II "is being overbuilt for future expansions of SDG&E's power grid."
21. The Protestant previously raised the above arguments in connection with the Phase I Project, C.04-12-026, which resulted in issuance of D.06-04-047.
22. The Phase II Project complies in all respects with D.06-04-047.
23. The Phase II Project has undergone extensive public noticing and complete environmental review in compliance with CEQA.
24. The undergrounding route for the Phase II Project was approved by the City in its MND and complies with the City ordinance authorizing undergrounding construction outside of the district boundaries.
25. Finally, the EMF issues in this Protest are the same issues the Commission considered and rejected in D.06-04-047 and other relevant Commission decisions.

**THEREFORE IT IS ORDERED THAT:**

1. The request of the SDG&E to Notice of Proposed Construction to Convert Existing 138 kV Transmission Line from Overhead to Underground in the City of San Diego Community of Greater Golden Hill and Southeastern San Diego as requested in Advice Letter AL 1853-E is approved.

I certify the foregoing under the authority of General Order 131-D. Dated February 22, 2007, at San Francisco, California.

\_\_\_\_\_  
STEVE LARSON  
Executive Director