

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-4130

December 20, 2007

R E S O L U T I O N

Resolution E-4130. Pacific Gas & Electric Company (PG&E). This Resolution approves PG&E's Advice Letter 3134-E seeking approval under Public Utilities Code Section 851 to consent to Warren Sauer, L. Sue Sauer, John Edward Greenwood, Beth Greenwood, and Ryan Sauer (collectively the "Grantees") use of PG&E's non-exclusive easement to use, an existing road, known as Atkins Road, as an access road. This resolution has been prepared pursuant to a pilot program specified in Resolution ALJ-202 granting expedited treatment to utility proposals meeting certain requirements.

By Advice Letter 3134-E. Filed on October 10, 2007.

SUMMARY

This Resolution approves PG&E's Advice Letter 3134-E seeking approval under Public Utilities Code Section 851 to consent to The Grantees use of PG&E's non-exclusive easement to use an access road. Advice Letter 3134-E was processed pursuant to Resolution ALJ-202, providing for expedited action for transactions where the Commission is a Responsible Agency under the California Environmental Quality Act (CEQA). 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, resulting in a Resolution confirming that the proposal meets the requirements of Resolution ALJ-202 and granting approval to the proposed project.

On October 10, 2007, PG&E filed Advice Letter 3134-E requesting Commission approval under Public Utilities Code 851 to consent to the Grantees use of PG&E's non-exclusive easement for use of an existing road, Atkins Road, that crosses PG&E's Whitmore substation (the "Property"). PG&E owns the property in fee. An easement already exists over Atkins road for use by another adjacent property owner. The Grantees currently have no documented right to use Atkins road although they have used Atkins Road to access their property, and as a result, have requested from PG&E a grant of easement along Atkins Road to document to their property. On December 20, 2007 the Commission issued Resolution E-4130, approving Advice Letter 3134-E.

The property is located in Shasta County, California. The property is designated as Assessors Parcel Number (APN) 99--040-007. The Property is located between Whitmore Road, Hidden springs road and is bisected by Atkins road. Improvements to the property include PG&E's 60 kilovolt (kV) Whitmore substation located along the Kilarc-Deschutes 60kV electric transmission corridor. Adjacent property owners are home owner residences and a Shasta County Fire Station. An easement already exists over Atkins road for use by another adjacent property owner.

In Resolution E-4130 PG&E received Commission approval to grant the Grantees a consent agreement for the use of the access road.

The easement will not interfere with PG&E's existing facilities.

The property at issue in this advice letter is non-depreciable land used for the electric substation service and is currently included in PG&E's rate base. In consideration for the easement, the Grantees have agreed to pay PG&E a one-time fee of Two Hundred Dollars (\$200). PG&E will account for the one-time easement fee as Electric Other Operating Revenue. No property is being sold or disposed of, and as such, there are no changes to PG&E's rate base as a result of granting the proposed easement.

This transaction will not require environmental review by the CPUC as a lead agency. This is not a “project”. The grant of easement for road and utility purposes within a portion of the PG&E electric substation fee property does not meet the definition of a “project” as provided in CEQA Guideline 15378, and in accordance with CEQA Guideline 15060 (c), CEQA does not apply.

NOTICE

Notice of AL 3134-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 III-G of General Order 96-A.

PROTESTS

No protests or comments to PG&E Advice Letter AL 3134-E were filed.

DISCUSSION

The Energy Division has reviewed PG&E’s Advice Letter 3134-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-186. Additionally, AL 3134-E satisfies the filing requirements specified in Section III.B.1.a-k of Resolution ALJ-186 and includes all of the information necessary to provide a satisfactory review of PG&E’s request for approval of a non-exclusive easement to the Grantees to construct, use, and maintain an access road.

The Energy Division finds that expedited treatment pursuant to Section III.A.1.c of Resolution ALJ-186 is appropriate for AL 3134-E and that no reason to deny the approval of Advice Letter 3134-E exists pursuant to Section III.A.2 of Resolution ALJ-186.

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

1. On October 10, 2007 PG&E filed Advice Letter 3134-E requesting Commission approval under Public Utilities Code 851 to consent to the Grantees use of PG&E's non-exclusive easement for use of an access road.
2. On December 20, 2007, the Commission issued Resolution E-4130, approving Advice Letter 3134-E.
3. Therefore, PG&E requests Commission approval under Public Utilities Code 851 to consent to the Grantees use of PG&E's fee property , use as an access road to access their own property.
4. The property is located in the City of Whitmore in Shasta County.
5. The property is designated as Assessors Parcel Number (APN) 99-040-007.
6. The property is currently used as a substation over which a road, Atkins Road, currently exists. The property is already in use by the Grantees and a second party who, themselves, already have an easement from PG&E to use this same property as an access road.
7. In Resolution E-4130, PG&E received Commission approval to grant the Grantees an easement for use of the property for use of an access road.
8. The easement will not interfere with PG&E's existing facilities.
9. PG&E is collecting Two Hundred Dollars (\$200.00) from the Grantees in consideration for the easement.
10. This action does not meet the definition of a "project" as provided in CEQA Guideline 15378.

THEREFORE IT IS ORDERED THAT:

1. The request of the PG&E to consent to an easement to the Grantees to use the property as an access road, as requested in Advice Letter AL 3134-E is approved.

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 20, 2007; 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