

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

ENERGY DIVISION

**RESOLUTION E-4191**  
**August 21, 2008**

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

Resolution E-4191. Pacific Gas and Electric (PG&E). This resolution approves PG&E's Advice Letter 3286E seeking authority under Public Utilities Code Section 851 to grant Power Partners Southwest, LLC. (PPS) the use of two exclusive easements to construct underground collection lines and a gravel access road to support the wind turbine sites associated with the Shiloh II Wind Energy Project located in Solano County California. 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 3286E. Filed on June 27, 2008.

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**SUMMARY**

This Resolution approves PG&E's Advice Letter 3286E seeking authority under Public Utilities (PU) Code Section 851 to grant use of two exclusive easements to Power Partners Southwest, LLC (PPS). PPS intends to construct underground collection lines and a gravel access road to support the wind turbine sites associated with the Shiloh II Wind Energy Project. Advice Letter 3286E 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 the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) 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 specified criteria. For proposals that meet the criteria, 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. The Commission then must confirm that the proposal meets the requirements of Resolution ALJ-202 and may grant approval of the proposed project by adopting a resolution.

On June 27, 2008, PG&E filed Advice Letter 3286E pursuant to the pilot program requesting authority to grant Power Partners Southwest, LLC. (PPS) use of two exclusive easements to construct underground collection lines and a gravel access road to support the wind turbine sites associated with the Shiloh II Wind Energy Project located in Solano County California. Protests or comments were due to the Commission on July 17, 2008. No protests or comments were filed.

PG&E owns two exclusive easements for the purpose of construction, use, and maintenance of PG&E's 500kV Vaca Dixon and Table Tesla power transmission tower line corridor located on two parcels of certain real property located within Solano County, California ("PG&E Easements"). Daryl and Mary McCosker are the owner and trustee of the first parcel of private property in the Montezuma Hills of Solano County. Irwin and Mary Lou Anderson are the owner and trustee of the second parcel of private property in the Montezuma Hills of Solano County. PG&E's Easements consist of two exclusive easements, in place since 1964, across the McCosker and Anderson properties. PG&E's Easements are adjacent to the existing wind energy projects.

PPS needs to use PG&E's easements in order to install two collection lines to support the Shiloh II Wind Energy Project. The 34.5kV electric collection lines will be in a trench approximately 210 feet long and 50 feet wide for the McCosker easement and 10 feet wide for the Anderson easement. In addition, PPS proposes to install a 16 feet wide and approximately 210 feet long gravel access road across the McCosker easement. PG&E is not collecting any fees from Power Partners Southwest for use of its exclusive easements.

The County of Solano was the CEQA Lead Agency for the Shiloh II Project. The Solano County Planning Commission approved the project on March 20, 2008 by adopting the EIR pursuant to CEQA Guidelines Section 15092(b). Energy

Division has independently reviewed the project and determined that any possible environmental impacts on the land encumbered by PG&E's Easements were studied by Solano County in the Shiloh II Project Environmental Impact Report (EIR). In total, the Shiloh II Project will require approximately 23 miles of new access roads. The portion of access road at issue in this 851 permit is 210 feet long. The project will require approximately 33 miles of underground collection lines. The portion of the collection line at issue in the 851 permit is 210 feet long. Staff has concluded that information regarding the potential impacts from construction activities for building access roads, trenching, and placing the power collection system was adequately described in the EIR.

### **NOTICE**

Notice of Advice Letter 3286E was made by publication in the Commission's Daily Calendar.

### **PROTESTS**

No protests or comments to Advice Letter 3286E were filed.

### **DISCUSSION**

The Energy Division has reviewed PG&E's Advice Letter 3286E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 3286E satisfies the filing requirements specified in Appendix A Section IV. 1-13 of Resolution ALJ-202.

The Energy Division finds that any possible environmental impacts from this project have been adequately studied in the Shiloh II EIR.

The Energy Division finds that expedited treatment pursuant to Section II of Resolution ALJ-202 is appropriate for AL 31 and that no reason to deny the approval of Advice Letter 3286 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), and Rule 14.6 (c) (2) of the

Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is being waived.

## **FINDINGS**

1. PG&E owns two exclusive easements for the purpose of construction, use, and maintenance of PG&E's 500kV Vaca Dixon and Table Tesla power transmission tower line corridor located on two parcels of certain real property located within Solano County, California
2. On June 27, 2008, Pacific Gas and Electric filed Advice Letter 3286E seeking authority under Public Utilities Code Section 851 to grant Power Partners Southwest, LLC. (PPS) use of two exclusive easements to construct underground collection lines and a gravel access road to support the wind turbine sites associated with the Shiloh II Wind Energy Project located in Solano County California.
3. The proposed use of PG&E's Easements by PPS require the Commission to grant approval pursuant to PU Code Section 851.
4. PG&E filed AL 3286E pursuant to a pilot program specified in Resolution ALJ-202.
5. No protests or comments were received by the Commission.
6. PG&E is not collecting any fees associated with granting use of these exclusive easements to Power Partners Southwest.
7. The Solano County Planning Commission approved the Shiloh II project on March 20, 2008 by adopting an Environmental Impact Report pursuant to CEQA Guidelines Section 15092(b). The project features are described generally in the EIR for the Shiloh II project.
8. The Commission has independently reviewed and considered the Shiloh II EIR and determined that the document is sufficient for the Commission's decision-making purposes.
9. Approval of this resolution will not create any environmental impacts beyond those studied in the Shiloh II EIR.
10. The Energy Division has reviewed PG&E's Advice Letter 3286E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202.
11. PG&E's Advice Letter 3286E 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 PG&E's proposed granting of an easement.

12. The Energy Division finds that expedited treatment pursuant to Section II of ALJ-202 is appropriate for AL 3286E and that no reason to deny the approval of Advice Letter 3286E exists.
13. This is an uncontested matter in which the resolution grants the relief requested.

**THEREFORE IT IS ORDERED THAT:**

1. The request of Pacific Gas and Electric for authority pursuant to PU Code Section 851 to allow Power Partners Southwest, LLC (PPS) to use two exclusive easements along PG&E's transmission corridor in Solano County California 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 August 21, 2008 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