

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ENERGY DIVISION

RESOLUTION E-4211
December 4, 2008

R E S O L U T I O N

Resolution E-4211. This Resolution approves PG &E's advice letter 3343-E seeking authority under Public Utilities Commission Code Section 851 to grant the City of Fresno the requested six two foot wide pedestrian walkway easements on the driveway approaches to the Fresno Service Center on PG& E property. 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 3343-E filed on September 23, 2008.

SUMMARY

This Resolution approves PG&E's Advice Letter 3343-E seeking approval under Public Utilities Code Section 851 to grant the City of Fresno easement for six, two-foot driveway approaches to the Fresno Service Center on PG&E property. Advice Letter 3343-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 September 23rd, 2008 PG&E filed Advice Letter 3343-E requesting the granting of easement rights to the City of Fresno for six, two-foot-wide paved pedestrian paths adjoining the city's sidewalk on driveway approaches to the PG&E's Fresno Service Center. Granting of said easement will enable the city to maintain the path for the public in perpetuity.

As part of the resolution the commission must assess financial terms and their proposed distribution, any impact upon PG&E's ratebase and the fair book price for the transfer of easements. It is the Commission's view that for disposal of minor easements such as this, where the transfer is at no cost, the effect on ratebase is negligible and the transfer is in the public interest, such assessments are not applicable.

As part of the resolution it is necessary to assess whether a CEQA review is necessary or has already been undertaken. In the case of AL 3343 - E, the transfer of easement rights between PG&E and the City of Fresno does not constitute a project under CEQA as there is no foreseeable activity that may cause direct or indirect physical change to the environment. This approval does not authorize and will not result in any construction activities, only the transfer of an easement for existing sidewalk segments. Further more any future use that may trigger a CEQA review is speculative and therefore outside the scope of current resolution.

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. In this case no conditions are attached as the transfer is in fact in the public interest.

NOTICE

Notice of Advice Letter 3343-E was made by publication in the Commission's Daily Calendar.

PROTESTS

No protests or comments to Advice Letter 3343-E were filed.

DISCUSSION

The Energy Division has reviewed PG&E's Advice Letter 3343-E and finds that it satisfies the criteria for inclusion in the pilot program specified in Resolution ALJ-202. Additionally, AL 3343-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 3343-E and that no reason to deny the approval of Advice Letter 3343-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

1. On September 23rd, 2008 PG&E filed Advice Letter 3343-E requesting the granting of easement rights to the City of Fresno for six, two-foot-wide paved pedestrian paths adjoining the city's sidewalk on driveway approaches to the PG&E's Fresno Service Center.
2. Granting of said easement will enable the city to maintain the pathways for the public in perpetuity.

3. The grant of such easement is at no cost to the City of Fresno.
4. The granting of such easement has no effect upon the ratebase or the ability of PG& E to serve its customers and the public
5. The transaction is not a project under CEQA as there is no foreseeable activity that may cause direct or indirect physical change to the environment (Public Resource Code Section 21065).

THEREFORE IT IS ORDERED THAT:

Pursuant to Public Utilities Code 851, the CPUC authorizes the granting of the easement to the City of Fresno by PG& E as requested in Advice Letter 3343-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 December 4, 2008; the following Commissioners voting favorably thereon:

Paul Clanon
Executive Director

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