

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 M) for Section 851 Approval of Agreements
Allowing Access to Electric Distribution Facilities
for the Installation and Maintenance of
Telecommunications Equipment.

Application 00-12-026
(Filed December 19, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING REQUIRING PACIFIC GAS AND
ELECTRIC COMPANY TO SUBMIT ADDITIONAL INFORMATION**

In Application (A.) 00-12-026, Pacific Gas and Electric Company (PG&E) asks the Commission to approve 13 pole-attachment agreements. One of these agreements is with Metropolitan Fiber Systems of California, Inc. (MFS), and another is with MCI Telecommunication Corporation (MCI). These agreements allow MFS and MCI to install telecommunications cables and related equipment on PG&E's poles, anchors, and streetlights. These agreements also contemplate that PG&E will construct new facilities (e.g., new utility poles), if necessary, to accommodate MFS's and MCI's communications equipment.¹

PG&E states that it is unnecessary for the Commission to conduct additional environmental review of PG&E's agreements with MFS and MCI.² This is because, in part, the activities contemplated by the agreements are similar to activities that were authorized by the Commission in Decision (D.) 89-03-060

¹ See Article VII, Section 7.4, and Article XI, Section 11.9 of PG&E's pole-attachment agreements with MFS and MCI.

² A.00-12-026, pp. 13 - 14.

and D.89-02-025 wherein the Commission granted a certificate of public convenience and necessity (CPCN) to MFS and MCI, respectively. In each of these decisions, the Commission found that granting the CPCN would not have a significant adverse impact on the environment.

To provide the Commission with an adequate record to decide whether to approve PG&E's pole-attachment agreements with MFS and MCI, this ruling requires PG&E to submit the following information:

1. The specific provisions in D.89-03-060 and any other decisions that authorize MFS to (1) install telecommunications cables and equipment, and/or (2) construct new facilities such as utility poles.
2. The specific provisions in D.89-02-025 and any other decisions that authorize MCI to (1) install telecommunications cables and equipment, and/or (2) construct new facilities such as utility poles.
3. The Commission has found in numerous decisions that activities similar to those covered by PG&E's agreements with MFS and MCI could have an adverse impact on the environment unless mitigation measures were implemented. Examples of such decisions include the following: D.95-12-057, Appendix D; D.97-02-038, Appendix B; D.98-09-066, Appendix D; D.98-12-083, Appendix D; and D.99-06-083, Appendix D.
 - a. In light of these decisions, is it reasonable to conclude that the activities covered by PG&E's pole-attachment agreements with MFS and MCI could have an adverse impact on the environment unless mitigation measures are implemented? If not, please provide a detailed explanation as to why.
 - b. Assuming that the activities covered by the pole-attachment agreements could have an adverse impact on the environment unless mitigation measures are implemented, what steps need to be taken under the California Environmental Quality Act to review these activities? For example, is it necessary for PG&E, MFS, and/or MCI to file a proponent's environmental

assessment? If no additional environmental review is required, please provide a detailed explanation why this is so.

4. Please provide a list and description of all cable and equipment that has been installed by either MFS or PG&E pursuant to PG&E's pole-attachment agreement with MFS.
5. Please provide the following information regarding the installations identified in response to the previous question:
 - a. A description of any environmental reviews that were conducted with respect to installations.
 - b. A description of any mitigations measures that were implemented to minimize or avoid adverse environmental impacts.
 - c. A statement as to whether all necessary local permits and other approvals were obtained.
6. Please provide a list and description of all cable and equipment that has been installed by either MCI or PG&E pursuant to PG&E's pole-attachment agreement with MCI.
7. Please provide the following information regarding the installations identified in the response to the previous question:
 - a. A description of any environmental reviews that were conducted with respect to installations.
 - b. A description of any mitigations measures that were implemented to minimize or avoid adverse environmental impacts.
 - c. A statement as to whether all necessary local permits and other approvals were obtained.

PG&E shall file and serve by January 31, 2002, a supplement to A.00-12-026 that contains the information required by this ruling. The supplement shall also include a verification that complies with Rule 2.4 of the Commission's Rules of Practice and Procedure. Responses may be filed no later than February 14, 2002.

Therefore, **IT IS RULED** that:

1. Pacific Gas and Electric Company (PG&E) shall file and serve by January 31, 2002, a supplement to Application 00-12-026 that contains the information specified in the body of this ruling.
2. PG&E's supplement shall include a verification that complies with Rule 2.4 of the Commission's Rules of Practice and Procedure.
3. Responses to PG&E's supplement may be filed no later than February 14, 2002.

Dated January 7, 2002, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Pacific Gas and Electric Company to Submit Additional Information on all parties of record in this proceeding or their attorneys of record.

Dated January 7, 2002, at San Francisco, California.

/s/ KRIS KELLER

Kris Keller

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.