



COM/GSH/smt 10/6/2020

**FILED**

10/06/20  
11:14 AM

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

Application of PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, for a Permit to Construct the Humboldt Bay-Humboldt #1 60 kV Reconductoring Project Pursuant to General Order 131-D. (U39E.)

Application 19-02-004

**FIRST AMENDMENT TO THE ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This First Amendment to the Assigned Commissioner's Scoping Memo and Ruling modifies the scope of issues and schedule for this proceeding pursuant to Public Utilities (Pub. Util.) Code Section 1701.1. and Article 7 of the Commission's Rules of Practice and Procedure. The remainder of the Assigned Commissioner's previously issued Scoping Memo and Ruling remains unchanged and in effect.

**1. Procedural Background**

By this application, Pacific Gas and Electric Company (PG&E) seeks a permit to construct so that it can (1) rewire 7.8 miles of the 60 kilovolt (kV) transmission line between its Humboldt Bay and Humboldt substations located in Eureka, California (HB-H Line), (2) replace 120 wood poles and light duty steel poles, and (3) co-locate 0.6 miles of the HB-H Line with 60 kV transmission line that is adjacent to the Humboldt Bay and Eureka substations, among other subprojects (jointly, the "Proposed Project").

As provided by General Order (GO) 131-D, the Proposed Project is subject to environmental review pursuant to California Environmental Quality Act

(CEQA). CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage. In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not approve a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

In this case, Commission staff's initial study showed that there is no substantial evidence that the Proposed Project may have a significant effect on the environment, and the project proponent, PG&E, has agreed to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels.

As such, Commission staff prepared a draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) to that effect. The Draft IS/MND was published for public comment on February 12, 2020. The Commission received only one public comment letter for the Proposed Project – from PG&E – which supported the Draft IS/MND and recommended minor language changes to improve the accuracy of the project description and mitigation measures. Commission staff made minor revisions to the Draft IS/MND in response to PG&E's comments and issued a Final Initial Study/Mitigated Negative Declaration (Final IS/MND) on April 17, 2020.

On June 10, 2020, the assigned Administrative Law Judge (ALJ) held a telephonic prehearing conference (PHC) to discuss the category, scope, schedule, and parties to the proceeding. At the PHC, no additional parties requested party status, and none have requested party status in writing; therefore, this matter is uncontested.

In addition, at the PHC, the assigned ALJ revisited the appropriateness of the scope of issues in the Assigned Commissioner's Scoping Memo and Ruling (Scoping Memo) and the need for evidentiary hearing and other procedural matters in view of publication of the Final IS/MND. At the PHC, PG&E noted that issues 3, 4, and 5 in the original Scoping Memo relate to whether or not the proposed project is the environmentally-superior option or whether the project alternatives identified in the environmental review are environmentally superior. Because the findings in the Final IS/MND are that all potentially-significant impacts can be mitigated to a less-than-significant level and PG&E has agreed to all the recommended mitigations in the Final IS/MND, there are no project alternatives to evaluate for environmental superiority. Therefore, PG&E correctly noted that issues 3, 4, and 5 in the original Scoping Memo are moot.

In view of PG&E's assertions and issuance of the Final IS/MND, this First Amendment to the Assigned Commissioner's Scoping Memo and Ruling updates the scope of issues and updates the schedule for the remainder of the proceeding.

## **2. Issues**

The issues to be determined in this proceeding are:

- Is there no substantial evidence in light of the whole record that the proposed project, as proposed or as revised to avoid or mitigate the effects to a point where clearly no significant effects would occur, will have a significant effect on the environment?
- Does the MND comply with CEQA, did the Commission review and consider it, and does it reflect the Commission's independent judgment and analysis?
- Does the project comply with EMF effect mitigation policies?

### 3. Schedule

The following schedule is adopted here and may be modified by the assigned ALJ as required to promote the efficient and fair resolution of this application.

Event	Date
Proposed decision	Targeted for November 2020

This matter is submitted.

**IT IS RULED** that:

1. The remaining scope of this proceeding is described above and is adopted.
2. The modified schedule for the remainder of this proceeding is set forth above and is adopted.
3. The assigned Commissioner's previously issued Scoping Memo and Ruling remains unchanged and in effect, unless specifically modified in this First Amendment to the Assigned Commissioner's Scoping Memo and Ruling.

This order is effective today.

Dated October 6, 2020, at San Francisco, California.

/s/ GENEVIEVE SHIROMA

Genevieve Shiroma  
Assigned Commissioner