BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the RTRP Transmission Project.	A.15-04-013

SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) RESPONSE TO THE PETITION OF THE CITY OF NORCO TO MODIFY DECISION 20-03-001 TO REOPEN THE RECORD TO RECONSIDER ALTERNATIVE 8 OF THE RIVERSIDE TRANSMISSION RELIABILITY PROJECT

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Southern California Edison Company's (U 338-E) Response To The Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project

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I.

INTRODUCTION

Pursuant to Rule 16.4(f) of the Rules of Practice and Procedure ("Rules"), Southern California Edison Company ("SCE") submits this Response to the *Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project* (the "Norco PFM"), filed by the City of Norco ("Norco") on October 2, 2023. In Decision D.20-03-001 (the "Decision"), the California Public Utilities Commission ("CPUC" or "Commission") granted a Certificate of Public Convenience and Necessity ("CPCN") for SCE's proposed Riverside Transmission Reliability Project ("RTRP" or "Project").

RTRP is one of the most documented, analyzed and debated projects SCE has ever proposed. Over a 14-year period, the California Independent System Operator ("CAISO") directed SCE to build a new transmission line, SCE and the City of Riverside ("Riverside")

developed a concept of how to build it, Riverside subjected that concept to a thorough California Environmental Quality Act ("CEQA") review, two levels of California courts validated that review and the CPUC undertook an additional round of CEQA review and evidentiary proceedings before granting the CPCN for the Project in 2020. At every level of this lengthy process, potential wildfire risks were analyzed and taken into consideration, with the CPUC's decision to approve the Project representing a fact-based assessment that the Project does not pose a significant risk of wildfire ignition.

Ignoring this history and the extensive record, Norco PFM attempts to paint an alarming picture of an inherently dangerous "power line" project that was purportedly approved without relevant wildfire impact analysis, was proposed in a location that has grown significantly more fire prone while remaining virtually inaccessible to firefighters, and which will prevent aerial firefighting following its construction. But an honest examination of the lengthy record and relevant facts reveals that Norco's picture bears little resemblance to the thorough process conducted by multiple governmental agencies in reviewing and approving the Project.

As discussed further below, the Norco PFM's allegations regarding the Project's wildfire ignition risk during operation are based on a false equivalency between distribution lines and transmission lines, lumping all such facilities together under the generic term "power lines." Contrary to Norco's unsubstantiated assertions, transmission lines pose inherently less risk of wildfire ignition than distribution lines because of how they are designed. Unlike distribution lines, transmission lines do not include much of the overhead equipment whose failure can produce combustible particles, and they are located higher in the air, farther away from potential wind-blown debris and flammable vegetation, with far stronger wires and towers. Transmission conductors are also significantly less likely to cause a flammable spark from contact or a breakage and include highly sensitive automatic shutoff mechanisms capable of shutting a line down in a fraction of a second.

The Norco PFM's assessment of the inaccessibility of the Project area to firefighting is similarly unfounded, as evidenced by the successful containment of the March 2020 Mann fire.[1] And the Norco PFM offers no substantial evidence to support its assertion that the presence of transmission lines will make aerial firefighting impossible. Rather, as discussed in more detail below, there are many examples of successful aerial firefighting efforts undertaken close to transmission lines. The Project will also comply with FAA regulations designed to ensure visibility to aircraft operators.

Wildfire concerns are not new. The 2013 Final Environmental Impact Report prepared by Riverside ("Riverside FEIR") for RTRP analyzed approximately 10 miles of proposed overhead transmission lines, including approximately five miles in Riverside itself, as opposed to less than one mile through the City of Norco.[2] Therefore, Riverside had a strong incentive to accurately assess wildfire risks within its own boundaries, yet the Riverside FEIR concluded that the Project would not result in significant wildfire impacts.[3] Similarly, the 2020 Final Subsequent Environmental Impact Report ("2020 FSEIR") prepared by the Commission, which served as lead agency for a second review of the Project as well as SCE's primary safety regulator, reached the same conclusion for a revised version of RTRP.[4] Thereafter, the issue of the wildfire risk presented by the Project's operation was discussed at length in the evidentiary proceeding prior to the Project's approval in 2020, including in testimony establishing that the Project's wildfire risk would be further reduced by new procedures and practices included in SCE's Wildfire Mitigation Plan ("WMP"). Given these new procedures and practices and corresponding further reductions in wildfire ignition risk, the 2020 FSEIR's conclusion that the

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1 *See* Attachment A hereto, a PDF printout of a *Los Angeles Times* online article entitled, "Fast-Moving Brush Fire In Dry Riverbed Forces Evacuations In Norco," available at: https://www.latimes.com/california/story/2020-03-03/brush-fire-santa-ana-riverbed-evacuations-norco (accessed on October 29, 2023).

2 Riverside FEIR, at pp. 3-214 – 3-215.

3 *Id.*, at pp. 3-214 – 3-215.

4 2020 FSEIR, at p. 4.7-24.

Project would not result in significant wildfire impacts is supported by both environmental analysis and substantial additional evidence.

The Norco PFM references fire hazard maps prepared by both the Commission and the California Department of Forestry and Fire Protection ("CAL FIRE"), but the RTRP alignment is not located in any areas of the highest threat designation on either map. The designations that do exist along or near the alignment have remained consistent since the Project's approval in 2020. While general wildfire risk may have increased along the Santa Ana River, as it has Statewide, new wildfire regulatory requirements and ongoing efforts by SCE to reduce wildfire risk have been specifically designed to meet this challenge. The Norco PFM presents no substantial evidence that those efforts will not succeed, particularly for a robust transmission line project like RTRP.

Even if undergrounding the entirety of the Project would hypothetically reduce wildfire ignition risk, such reduction would come at an unwarranted and enormous cost to ratepayers that would be entirely disproportionate to the purported safety benefit given the specific risks in this area for this Project. SCE has not completed a detailed estimate of the cost of Norco's suggested full underground project, but based upon the cost of the undergrounding revisions in the City of Jurupa Valley already incorporated into the Project – revisions that in many respects were significantly easier to implement than Norco's proposal would be – the cost is likely to be multiple hundreds of millions of dollars. The marginal wildfire benefits associated with undergrounding the entirety of RTRP cannot and do not justify such an exorbitant increase in costs to be borne by ratepayers.

For the reasons set forth below, substantial evidence in the record makes it clear that the level of wildfire ignition risk presented by the Project can and will be adequately mitigated. Norco's PFM fails to justify the significant and costly measure of undergrounding the Project in contravention of the established record for this Project. The Norco PFM should therefore be dismissed in its entirety.

II.

BACKGROUND AND PROCEDURAL HISTORY

Riverside is home to more than 300,000 people and is the Riverside County seat, providing governmental, educational, health care, retail, and many other services to citizens from all over the Inland Empire region of Southern California and beyond.[5] Riverside operates its own electrical utility, distributing power transferred from the regional transmission system owned by SCE and operated by CAISO to its customers for uses that benefit both Riverside and surrounding communities.

While Riverside does operate gas-fired peaker generation plants as a secondary source of power, most of its electrical power radially is obtained through a single point of interconnection to the SCE grid, at SCE's Vista Substation. The risks of that single point of interconnection to the broader grid have been apparent for decades, and Riverside's precarious reliance on a sole interconnection to the broader electrical grid has been discussed since the 1970s. Moreover, by the early 2000s, due to robust economic growth in the Inland Empire region, peak demand for power in Riverside was forecast to exceed the allocated transfer capacity of 560 MVA by 2007.[6] Recognizing that imminent overload situation, in 2006 CAISO directed SCE to construct a new 230 kV line to provide a second connection source to Riverside.[7]

After several years of meticulous planning, public outreach efforts and routing considerations, Riverside and SCE in 2009 jointly proposed RTRP as a combination of an approximately 11-mile overhead 230 kV transmission line route – separate and distinct from Riverside's connection to Vista Substation – and a series of 69 kV subtransmission lines. Riverside assumed the CEQA lead agency role for the entire joint project. In 2013 Riverside's

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5 Exh. RIV-1 (McDowell & Annas, replaced at evidentiary hearing by Hearn & Annas), at 47:23 – 48. Throughout this Response, citations to testimony admitted in the record of this proceeding are set forth in the same manner used during the underlying proceeding, *i.e.,* "Exh. [ABBREVIATED OFFERING PARTY DESIGNATION]-[number] ([witness last name]), at [page(s):line(s)]."

6 Exh. RIV-1 (Hanson), at 7:12-16; Exh. SCE-1 (Holdsworth), at 10:5-12.

7 Exh. SCE-1 (Cabbell), at 29:16 – 30:14, Attachment K, at K-8.

City Council directed staff to proceed with the project and certified the Riverside FEIR that had analyzed both the transmission and subtransmission components (and others) as part of one combined project.[8]

The Riverside FEIR included a discussion of potential hazards associated with the Project, including wildfire risks, and analyzed more than a dozen alternative concepts and project modifications, including a small amount of undergrounding for the 69 kV Riverside portion proposed to avoid potential aircraft-related hazards to reduce potential impacts.[9] The Riverside FEIR also included a 15-page summary with numerous reasons why a complete underground alternative for the 230 kV transmission line should be rejected as infeasible and unreasonable. Those reasons included: a) constructability and maintenance issues that render undergrounding less reliable and susceptible to longer outages, especially around the Santa Ana River corridor where underground lines would be susceptible to washouts; b) increased environmental impacts associated with greater land disturbance from trenching through sensitive areas; and c) economic constraints, given that underground facilities could be up to 20 times more expensive than overhead facilities.[10] The City of Jurupa Valley challenged Riverside's certification of the Riverside FEIR, and both the Los Angeles Superior Court (in 2014) and the Second District Court of Appeal (in 2015) upheld the certification in full, *including in particular the Riverside FEIR's analysis and conclusions rejecting a complete underground alternative for the 230 kV transmission line*.[11]

SCE then commenced proceeding A.15-04-013 by applying for a Commission CPCN for its portion of RTRP. However, during the pendency of the litigation, new development projects had been approved and were under construction in the same area where RTRP would be constructed. To avoid conflicts with those new developments, SCE voluntarily modified its 230

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[8] 2020 FSEIR, at p. 1-7.
[9] *See* Riverside FEIR, at pp. 3-214 – 3-215, 3-257.
[10] Riverside FEIR, at pp. 6-26 – 6-39.
[11] See Section VI.B., below.

kV line design to incorporate a limited amount of undergrounding *north of the Santa Ana River*, in the City Jurupa Valley (the "Revised Project"), and Energy Division in 2018 prepared a Subsequent EIR (which would ultimately become the 2020 FSEIR) to analyze SCE's Revised Project.[12]

Although the Revised Project did not propose any significant changes to RTRP *south* of the Santa Ana River, the 2020 FSEIR conservatively addressed wildfire concerns related to the entire transmission line, as well as alternatives to RTRP as a whole. In fact, in a "Master" response to comment related to transmission line health risks and hazards, the 2020 FSEIR clearly explained that mitigation measures from the original Riverside FEIR and the 2020 FSEIR, in concert with existing and new wildfire regulations adopted by the CPUC, would ensure that fire safety in the project area and the impact would remain less than significant, so no further analysis was required.[13]

Nevertheless, the 2020 FSEIR further conservatively considered more than 30 different alternatives to SCE's Revised Project, including "Alternative 1: Bellegrave – Pats Ranch Road Underground" (which includes expanded undergrounding of facilities north of the Santa Ana River in Jurupa Valley), and "Alternative 8: All Underground Transmission Line" (which includes full undergrounding of <u>all</u> 230 kV facilities both north and south of the river).[14] The 2020 FSEIR found that because the Revised Project did not include any substantial changes south of the river, undergrounding the transmission line in that area would not avoid or reduce any new significant effects of the Revised Project and would – as noted in the already approved and litigated DEIR – result in additional potentially significant impacts.[15] In preparing its

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[12] As discussed further below, the CPUC eventually certified the 2020 FSEIR based on this subsequent analysis.
[13] 2020 FSEIR, at p. M-3.1-15.
[14] 2020 FSEIR, Chapter 3.
[15] *Id.*, at p. 3-37.

analysis, the CPUC also consulted with CAL FIRE Assistant Chief Jason Neuman, who declined to submit any comments on the 2020 FSEIR.[16]

Over the next two years, numerous parties exchanged testimony, participated in evidentiary hearings and filed briefs in proceeding A.15-04-013. In light of wildfire concerns raised in public comments and other testimony, SCE provided sworn testimony regarding SCE's fire risk assessment program, and explaining how that program identified distribution infrastructure as posing far greater wildfire risks than transmission infrastructure.[17] Riverside also provided sworn testimony from its own fire department Deputy Chief and its Emergency Services Administrator explaining how fires in the Santa Ana River area have traditionally been caused by human activity, often associated with homeless encampments.[18] Other parties, particularly the City of Jurupa Valley and private land developers proposing projects there, advocated for even more undergrounding in that City (*i.e.*, north of the Santa Ana River), but even they stopped short of encouraging additional undergrounding south of the river.

Considering all this evidence, the CPUC on March 18, 2020 issued the Decision granting SCE a CPCN for construction of Alternative 1 and certifying the FSEIR.[19] No party or member of the public sought rehearing or challenged the Decision in Court.[20] Yet now, more than three and a half years later, Norco filed its PFM on October 2, 2023 requesting that the CPUC once again consider whether the entirety of the 230 kV line should be constructed underground. Norco fails to adequately explain why it waited years to now criticize the CPUC's review of

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16 *Id.*, at p. M-3.3-107.

17 Exh. SCE-2 (Ali), at pp. 31-46.

18 Exh. Riv-2 (Hearn and Annas), at 52:7-11.

19 The CPUC also set a Maximum Reasonable and Prudent Cost cap of $521 million for Alternative 1, which is $113 million more than the $408 million estimated for the Revised Project. (*See* Decision, at pp. 12-13.)

20 SCE has not yet commenced construction on the Revised Project because, as reflected in Norco PFM Attachment A, members of the Riverside City Council have been exploring the potential for additional undergrounding in Riverside as well, despite the issuance of the Decision in 2020.

wildfire issues, long after the window to challenge the CEQA review or Decision has closed. For the reasons set forth below, its PFM should be dismissed.

III.

STANDARD OF REVIEW

Public Utilities Code section 1708 authorizes the Commission to "rescind, alter, or amend any order or decision made by it." As the Commission has noted, this is an "extraordinary remedy. It must be exercised with care and in keeping with fundamental principles of *res judicata* since 'Section 1708 represents a departure from the standard that settled expectations should be allowed to stand undisturbed.'"[21]

To govern those situations where the applicant or interested person seeks the extraordinary remedy of modifying a decision, the Commission adopted Rule 16.4 to set forth procedural and substantive requirements governing PFMs. Rule 16.4 provides in part that a PFM must be filed within one year of the effective date of the decision it seeks to modify, or else explain why it could not have been presented within that time, otherwise the Commission may summarily deny the PFM.[22] Rule 16.4 further states that if the petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the PFM must state specifically how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier.[23]

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[21] D.15-05-004 (denying city's PFM seeking additional undergrounding of overhead transmission line project well after CPCN and other modifications were approved), *quoting* D.92058, (1980) 4 CPUC 2d 139 at 149-150.

[22] Rule 16.4(d).

[23] Rule 16.4(e); D.07-11-026, 2007 WL 4934622 (Cal.P.U.C.) (petitioner failed to satisfy rule 16.4(e) in the underlying CPUC proceeding despite receiving notice thereof and participating in project's environmental review).

IV.

THE NORCO PFM SHOULD BE DISMISSED BECAUSE IT PROVIDES NO SUBSTANTIAL EVIDENCE THAT FACTUAL CONDITIONS HAVE CHANGED SINCE 2020 TO SIGNIFICANTLY INCREASE WILDFIRE RISK

The Norco PFM's position that wildfire risk has increased to an extent that requires reopening the Project proceeding and conducting further environmental review is based on an overstatement of the wildfire risk presented by the Project's operation and a failure to take into consideration information in the record regarding new wildfire risk reduction measures that will be incorporated into the Project in compliance with new regulations.

A. NORCO'S PFM OVERSTATES THE WILDFIRE RISK PRESENTED BY THE ABOVEGROUND PORTION OF THE PROPOSED RTRP TRANSMISSION LINE

The Norco PFM overstates the level of wildfire risk posed by the Project's proposed transmission lines. Norco conflates transmission lines with other lower voltage and less robust infrastructure such as distribution lines by referring to all of them interchangeably as "power lines." Norco also ignores substantial evidence in the record regarding SCE's continually improving wildfire mitigation strategies, including those that have been developed after the preparation of the 2020 FSEIR.

1. THE NORCO PFM'S CLAIMS ABOUT THE PROJECT'S WILDFIRE RISKS ARE BASED ON A FUNDAMENTAL MISUNDERSTANDING OF THE RELATIVE LEVEL OF RISK PRESENTED BY DISTRIBUTION AND TRANSMISSION LINES

The Norco PFM conflates distribution and transmission lines, ignoring the substantial differences in wildfire risk presented by the two distinct types of infrastructure. It consistently uses the generic term "power lines" throughout the PFM when raising concerns about wildfire

risks, without specifying either distribution or transmission, even when a cited source was clearly referring to distribution rather than transmission lines.[24] The Norco PFM's failure to even mention this important distinction is highlighted by the fact that the term "power lines" has significance as a term of art, including in the Commission's General Order ("GO") 131-D, which specifically refers to electrical lines between 50 and 200 kV as "power lines," as distinguished from both "distribution" lines (under 50 kV) and "transmission" lines (over 200 kV).[25]

This distortion leads to a significant overstatement of the wildfire ignition risk posed by the Project's proposed transmission lines. It is well documented that *distribution* lines present an inherently greater risk of igniting a wildfire compared to bulk power *transmission* lines such as those proposed in the Project.[26] The significant difference in wildfire ignition risk posed by distribution lines and transmission lines is further supported by SCE's own wildfire risk data and analysis. As of this filing, less than one percent of SCE's total ignition events reported to the CPUC between 2019 and September of 2023 have been determined to be associated with 230 kV transmission lines.[27]

The far lower wildfire ignition risk posed by transmission lines as compared to distribution lines is the result of differences in the way transmission lines are designed and built.

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[24] *See* Norco PFM at p. 10, fn. 21, *citing* an AP News story on "downed power lines as possible cause of deadly Maui wildfires"; p. 18; p. 20 "[g]iven the catastrophic consequences of power line-caused wildfires in recent years[]"; p. 22; p. 28. Most notably, the Norco PFM quotes California Attorney General guidance stating that "in recent years, many of the State's most destructive fires have been caused by human activity, such as downed ***powerlines***," and suggesting that "above-ground ***power lines*** may become a source of ignition." (Norco PFM, at pp. 20, 22, emphasis added.) The Norco PFM provides no basis for its assumption that these references encompass the Project's transmission lines.

[25] *See* GO 131-D, §§ I, III.A., III.B., III.C.

[26] *See* Tehachapi Renewable Transmission Project DEIR/EIS jointly prepared by the Commission and the U.S. Department Of Agriculture, Forest Service, p. 3.16-9 ("There is public perception that all power lines can be a direct cause of wildfire ignitions, but power line-caused fires are much more prevalent for distribution and lower-voltage transmission lines compared with higher-voltage transmission lines[]."), available at: https://files.cpuc.ca.gov/gopher-data/environ/tehachapi_renewables/TRTP_Draft%20EIR-EIS/EIR-EIS/3-16_Wildfire-jks.pdf (accessed on October 31, 2023). To the extent necessary, SCE respectfully requests the Commission take official notice of this joint DEIR/EIS pursuant to Rule 13.10.

[27] *See* Declaration of Hunly Chy, attached hereto ("Chy Declaration"), at ¶ 3.

Among other things, the height of transmission towers and the distance between conductors mean there is a much smaller chance of a foreign object – including wind-blown debris – either felling a conductor or contacting two or more conductors and causing an ignition. Debris or vegetation that does contact a conductor will not cause a spark unless it contacts two conductors or one conductor and another object simultaneously.[28] Such an event would be extremely unlikely for 230 kV transmission conductors such as RTRP's because they would be spaced at least eight feet apart as compared to as little as 11.5 inches for distribution conductors.[29] It is difficult to conceive of any vegetation or other large debris that could reach conductor height also being large enough to contact two conductors simultaneously.

The strength and stability of steel transmission poles and towers also make them much less likely to fall and result in contact with the surrounding physical environment, unlike distribution poles which are much smaller and typically made of wood and more commonly exposed to vehicular traffic and nearby objects. Bulk transmission lines also do not utilize much of the overhead apparatus or equipment normally associated with distribution circuits such as transformers, switches, disconnect switches, capacitors, and other equipment whose failure can emit combustible particles.[30] Many of the distinctions between transmission and distribution infrastructure are discussed at length in SCE's WMP submittals.[31] As explained below, the WMP also sets forth many wildfire risk reduction procedures and practices that directly address the concerns about wildfire risk raised in the Norco PFM.

The same unavailing apples-to-oranges conflation of distribution and transmission lines appears throughout the Norco PFM. To focus on just one example of many, the Norco PFM suggests that the Project's automatic shutoff mechanism will be insufficient to prevent wildfire

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28 *See* Declaration of Roman Vazquez, attached hereto ("Vazquez Declaration"), at ¶ 7.
29 *Id.*, at ¶ 7; *see also* CPUC GO 95, Table 1.
30 Vazquez Declaration, at ¶ 5.
31 Exh. SCE-2 (Ali), at 38:6-9.

ignitions because "such…mechanisms have not prevented wildfire ignitions [in recent years]."[32] To support this statement, Norco only offers a reference to the CPUC's Safety and Enforcement Division ("SED") Staff Wildfire Investigations webpage, which the Norco PFM claims to show that there were "no fewer than six wildfires ignited by power lines" in 2020.[33] But the cited reports actually indicate that the electrical lines involved in each incident in 2020 were *distribution lines* operating below 50 kV, with none of the incidents involving transmission infrastructure like the Project.[34] These incidents are irrelevant to the efficacy of the Project's transmission line automatic shutoff mechanism, which will be far more responsive than the equivalent mechanism used on distribution lines.[35] Distribution line automatic shutoff mechanisms typically require up to two seconds to operate to allow other devices within the circuit to isolate the failure point.[36] In contrast, the automatic shutoff mechanism proposed for the Project is far faster and more sensitive, capable of quickly deenergizing and isolating the transmission line in less than a tenth of a second.[37]

The Norco PFM focuses on potential hazards from strong Sana Ana winds while ignoring the distinction between the relative wind vulnerability of distribution and transmission lines. In fact, the Commission's own CEQA analysis specifically looked at this issue, and found the likelihood of any fire ignition from RTRP transmission lines to be low: as explained in the 2020 FSEIR, "[t]ransmission lines are designed to withstand high winds. Conductor phases are spaced to allow adequate [space between conductors even in high winds] to ensure that the conductors do not make contact with each other or surrounding trees and infrastructure."[38]

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32 Norco PFM, at p. 28.
33 *Id*.
34 *See* https://www.cpuc.ca.gov/industries-and-topics/wildfires/wildfires-staff-investigations.
35 Chy Declaration, at ¶ 4.
36 *Id*.
37 *Id*.
38 2020 FSEIR, at p. 4.7-24.

In addition to ignition risks from sparks created by contact with a conductor, distribution lines can also be damaged by vegetation or debris blown during a high wind event. But transmission lines are strong enough to withstand even extremely forceful contact with objects that could be blown into the air. For example, the conductors proposed for the Project's transmission line have a rated breaking tensile strength of 42,300 pounds and the insulators are rated to a strength of 50,000 pounds.[39] That means a single RTRP transmission line conductor could carry the weight of the average fire truck without breaking.[40] When considered in terms of the actual strength and durability of the RTRP transmission line and not confused with distribution line risks, the Norco PFM's assertions regarding the wildfire ignition risks presented by wind-borne dry vegetation are simply not credible.

The risk that a transmission structure itself would be blown over by wind is also very low considering the size, stability, and durability of such structures.[41] Nevertheless, the 2020 FSEIR concluded that even "[i]f a transmission structure were to be blown over, the protection system of the line would shut off power flow in a fraction of a second."[42] The Norco PFM ignores this analysis, maintaining the inaccurate assertion that the 2020 FSEIR simply "relied on [the Riverside FEIR's] limited assessment of construction-related fire risk to dismiss the potential for all impacts from wildfires during the operation of RTRP."[43] But it is clear that the 2020 FSEIR took into consideration factors such as the relative strength and stability of the Project's proposed transmission structures and the Project's design features that serve to mitigate the risk of wildfire during high winds. By eliding the difference between distribution and transmission lines, the

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39 Vazquez Declaration, at ¶ 6.

40 *See* https://internationalfireandsafetyjournal.com/how-much-does-a-fire-truck-weigh/#:~:text=To%20answer%20the%20question%20of,20%2C000%20to%2040%2C000%2Dpound%20range.

41 Vazquez Declaration, at ¶ 4; 2020 FSEIR, at p. 4.7-24.

42 2020 FSEIR, at p. 4.7-24; *see also*, Chy Declaration, at ¶ 4.

43 Norco PFM, p. 27.

Norco PFM ignores and mischaracterizes much of the Project's wildfire risk analysis to inaccurately convey the appropriate conclusions already reached by the CPUC.[44]

2. THE NORCO PFM IGNORES SUBSTANTIAL EVIDENCE ESTABLISHING THAT SCE'S WILDFIRE MITIGATION PRACTICES WILL FURTHER REDUCE THE PROJECT'S WILDFIRE RISK

The Norco PFM includes a declaration from Peter M. Bryan (the "Bryan Declaration") stating his opinion that neither CPUC GO 95 nor California Public Resources Code Section 4293 "provide[s] sufficient protections to effectively reduce fire risk along the RTRP overhead route," and further claiming that GO 95 does not mandate significant fire prevention activities outside of inspections.[45] The Norco PFM and Bryan Declaration's conclusions are based on the false notion that GO 95 and Section 4293 constitute the entire universe of wildfire regulations applicable to the Project's Operation, making no mention of other regulations, such as Commission GO 165 (*Inspection Requirements for Electric Distribution and Transmission Facilities*) and GO 166 (*Standards for Operation, Reliability, and Safety During Emergencies and Disasters*).

The Norco PFM and Bryan Declaration also ignore Senate Bill 901 ("SB 901"), which enacted changes to California Public Utilities Code Section 8386 in 2018 to provide a

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[44] The Norco PFM's attempt to discredit the 2020 FSEIR contradicts an established CEQA principle regarding the finality of environmental review. Namely, even where an agency undertakes subsequent environmental analysis, the purpose of that subsequent review is to explore environmental impacts not considered in the original environmental document; the event of a change in a project is not an occasion to revisit environmental concerns laid to rest in the original analysis. (California Public Utilities Commission, Riverside Transmission Reliability Project CEQA Initial Study Checklist, at p. 1-7; *Mani Brothers Real Estate Group v. City of Los Angeles* (2007), 153 Cal.App.4th 1385, 1398-99; *Friends of the College of San Mateo Gardens v. San Mateo Community College District* (2016) 1 Cal. 5th 937, 949-950.) Norco already improperly tried (and was prevented from) making many of the same arguments challenging the analysis of wildfire impacts during the underlying proceeding. (*See* August 12, 2019 *Administrative Law Judge's Ruling Denying Motion For Party Status*.) Norco should not be permitted to attack the 2020 FSEIR four years later with the same argument it would have been prohibited from making during the underlying proceeding.

[45] Bryan Declaration, at p. 8.

comprehensive plan of action for forest management and wildfire mitigation and suppression across the State in multiple sectors. SB 901 created new requirements for electric utilities such as SCE to submit a WMP and/or an update for Commission approval annually (with a comprehensive plan submitted at least every three years).[46] SCE's latest WMP approved by OEIS covers 2023 to 2025.[47] This regulatory environment, and SCE's burgeoning strategies for addressing wildfire concerns, were known to the Commission when it issued the CPCN for RTRP in 2020. In fact, the extensive wildfire risk mitigation strategies included in SCE's WMPs that bear directly on the Project's potential wildfire ignition risk were discussed at length in uncontroverted testimony by SCE witness Mustafa Ali, Senior Manager of SCE's Transmission, Civil & Geo-Tech Engineering Group.[48] As explained in Mr. Ali's testimony, SB 901 also requires close coordination between the Commission and the CAL FIRE in the review of SCE's WMP, which includes a detailed identification, description, and prioritization of wildfire risks and drivers throughout SCE's service territory.[49]

Most importantly, Mr. Ali's testimony describes an array of wildfire mitigation programs and practices that the WMP requires for each of SCE's transmission facilities, including the Project.[50] Many of these programs directly relate to allegations raised in the Norco PFM. For example, Mr. Ali explained that SCE's *Drought Relief Initiative Quarterly Inspections and Tree Removals* program will require quarterly inspections in the Tier 2 areas described in the Norco PFM "for tree mortality to identify and remove dead, dying or diseased trees that were affected

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46 Pub. Util. Code § 8386, subd. (b.). After July 1, 2021, the State's Office of Energy Infrastructure Safety (OEIS) evaluates and approves WMPs and the Commission ratifies OEIS's decision. *See* Pub. Util. Code §§ 326 (b) and 8386.3(a).

47 *See* OEIS's October 24, 2023 *Decision On 2023-2025 Wildfire Mitigation Plan - Southern California Edison Company* (approving SCE's latest WMP), available at: https://efiling.energysafety.ca.gov/eFiling/Getfile.aspx?fileid=55857&shareable=true (accessed on October 31, 2023). To the extent necessary, SCE respectfully requests the Commission take official notice of this decision pursuant to Rule 13.10.

48 Exh. SCE-2 (Ali).

49 *Id.*, at 37:11-14.

50 *Id.*, at 41:4 – 44:19.

by the drought and bark beetle infestation."[51] This practice will reduce the amount of potential debris that could contact or damage transmission components. Similarly, SCE's Light Detection and Ranging Technology (LiDAR) Inspection Program is used to "assess vegetation clearances of transmission lines in rugged and hard-to-access areas," including the Santa Ana River bed described in the Norco PFM.[52] Mr. Ali also explained that SCE will also monitor the severity of the Santa Ana winds described in the Norco PFM, in addition to other tools to monitor fire risk.[53]

These are just a few of the many techniques already discussed in this proceeding that are prescribed in SCE's WMP to directly reduce the Project's wildfire risk. Yet the Norco PFM ignores all of them, incorrectly arguing that the Project presents a new significant risk of wildfire ignition not previously considered in this proceeding. The Project's environmental review necessarily reflects the regulatory environment that existed at the time of each EIR's preparation, and the broader record also clearly shows that SCE's wildfire mitigation efforts have continued to advance significantly in the intervening years. These advances will continue in part through the approval of future WMPs, which are intended to build on preceding approved WMPs in an iterative process.

Yet, the Norco PFM also points to updates to the CEQA Guidelines and Attorney General guidance related to wildfire impact analysis as evidence that the Project has fallen behind in the contemporary wildfire regulatory environment since its environmental analysis and approval.[54] But the many new procedures and policies outlined above show that this is not the case. As an SCE transmission project subject to CPUC regulation and the requirements of the CPUC and CAL FIRE-reviewed WMP, the Project will incorporate many wildfire safety protection measures described during this proceeding and further refined since Project approval

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[51] *Id.*, at 42:4-7.
[52] *Id.*, at 42:7-8.
[53] *Id.*, at 43:5-10.
[54] Norco PFM, at p. 20.

in 2020, and will continue to incorporate applicable new safety advances during its operational life.

B. THE NORCO PFM SHOULD BE DISMISSED BECAUSE IT OVERSTATES THE LEVEL OF FIRE RISK IN THE VICINITY OF THE OVERHEAD PROJECT ALIGNMENT.

In addition to exaggerating the wildfire ignition risk from the Project's operation, the Norco PFM also overstates the level of fire risk in the areas traversed by the RTRP aboveground alignment. As explained below, none of these areas is classified at the highest level of fire risk, with classifications remaining consistent since Project well before approval in 2020. The Norco PFM's claims regarding the inaccessibility of the Santa Ana River area to firefighters and supposed disruptions to aerial firefighting caused by the Project are also unsupported by substantial evidence.

1. THE ABOVEGROUND RTRP ALIGNMENT DOES NOT PASS THROUGH ANY AREAS DESIGNATED AS POSING THE HIGHEST LEVEL OF FIRE THREAT BY EITHER CAL FIRE OR THE CPUC, AND ALL FIRE THREAT DESIGNATIONS HAVE REMAINED CONSISTENT SINCE PROJECT APPROVAL

The Norco PFM references both CAL FIRE's fire hazard maps and the Commission's High Fire Threat District Map while overlooking the fact that the overground RTRP alignment is not located within areas designated the highest level of fire risk in either agency's mapping.

The proposed aboveground Project alignment does not intersect the Very High Fire Hazard Severity Zone ("VHFHSZ") within the City of Norco as mapped by CAL FIRE. Although Norco PFM suggests that future mapping might designate the Project area as VHFHSZ, that is pure conjecture. The only evidence the Norco PFM provides in support of a potential future VHFHSZ designation is a general increase from 2007 to 2023 in VHFHSZ

throughout the State and the fact that the City of Norco intends to "play an integral part in updating the fire hazard mapping" in the future.[55] Despite Norco's speculation, the VHFHSZ in this area has remained consistent since 2007 and has never intersected the proposed Project alignment. The Norco PFM also points out that the Project alignment intersects an area designated as "Moderate Fire Risk" toward the far eastern end of the proposed transmission route.[56] But a small portion of the total proposed aboveground alignment being designated "moderate" hardly supports Norco's proposal to underground the entire Project at vast expense to customers.

The Norco PFM similarly focuses on the fact that the Project alignment passes through an area designated Tier 2 by the Commission's High Fire Threat District map, but Norco ignores the important distinction between Tier 2 areas ("elevated" fire risk) and Tier 3 areas ("extreme" fire risk), which present the highest level of fire risk.[57] Further, the Commission designated these areas as Tier 2 in 2017, well before the CPUC issued the 2020 Decision approving the Project; such designation cannot be considered a changed circumstance warranting a reopening of the proceeding.[58]

2. THE SANTA ANA RIVER BED WILL REMAIN ACCESSIBLE TO FIREFIGHTERS AND FIRES ARE LIKELY TO STAY RELATIVELY CONTAINED DUE TO THE TERRAIN AND ENVIRONMENTAL FACTORS DESPITE VEGETATION GROWTH.

The Norco PFM argues that full-scale undergrounding of RTRP is warranted because growth in vegetation in the Santa Ana River area purportedly poses an increased fire risk,[59] but

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55 Norco PFM, at p. 18.
56 Norco PFM, at p. 19.
57 *See generally,* https://files.cpuc.ca.gov/safety/fire-threat_map/2021/CPUC%20HFTD_v.3_08.19.2021.Letter%20Size.pdf.
58 *See* D.17-01-009.
59 Norco PFM, at pp. 11-14.

there are several important reasons why there is a relatively reduced risk of major fires in this area. First, the terrain does not contain sharp changes in grade that often contribute to extremely rapid fire spread and suppression challenges.[60] In addition, although the Project route does cross the densely vegetated river corridor at one location adjacent to the Goose Creek Golf Course, far more of the overhead portion of the route would run through grassy hillside areas south of the river corridor.[61] Grasses typically burn quickly and with lower intensity compared to heavy continuous stands of brush, allowing for a greater likelihood of successful quicker suppression.[62] In addition, as the Norco PFM acknowledges, the CPUC's own 2020 FSEIR already showed the proposed overhead route crossing heavy brush within the river corridor near the golf course.[63] The CPUC has long been aware that the Project route would cross at least some dense vegetation as it traversed the river corridor; this is not a new fact warranting re-analysis of potential fire hazards or alternatives to RTRP.

The Bryan Declaration claims that vegetation could be blown hundreds of feet into the air "and could readily contact an electrified conductor."[64] But the possibility of such contact is extremely remote, as dead vegetation is very unlikely to travel the vertical distance required to contact transmission equipment, especially in the grassy areas where most of the overhead route would be located.[65]

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60 Declaration of Tom Rolinski, attached hereto ("Rolinski Declaration"), at ¶ 6.

61 Rolinski Declaration, at ¶ 4. The maps and figures included with the Bryan Declaration incorrectly depict the RTRP route in several locations. For example, images titled AERIAL COMPARISON #6 and AERIAL COMPARISON #7 appear to show the RTRP alignment actually in and around the Santa Ana River bottom vegetation area at multiple locations, making multiple crossings across the River itself. However, the RTRP alignment would only cross the river near the Goose Creek Golf Course and never in the river bottom area to the east. (*See* Vazquez Declaration, at ¶ 3; Vazquez Declaration, Exhibit 1.)

62 Rolinski Declaration, at ¶ 5.

63 *See* FSEIR, at p. 4.1-41; Norco PFM, at 19, fn. 59, citing to same. Even the Riverside FSEIR's hazards analysis (at p. 3-214) identified the dense growth in the river corridor several years earlier, stating, "[A] small portion of the proposed 230 kV transmission line route crosses abundant vegetation that may pose conditions conducive to wildfires near the banks of the Santa Ana River."

64 Bryan Declaration, at 8:23-25.

65 Rolinski Declaration, at ¶ 7.

The Norco PFM claims that fires in the Norco neighborhoods located south of the proposed Project alignment would be inaccessible to emergency vehicles and would prevent successful evacuation.[66] But in 2020, well into the period of supposedly increased fire risk alleged by the Norco PFM, firefighters successfully evacuated those very neighborhoods and contained a wildfire.[67] The Norco PFM also fails to provide substantial evidence to support its other claims regarding the condition of Norco neighborhoods south of the Santa Ana River. The Bryan Declaration includes an image of River Drive near the intersection with Valley View Avenue, a "street in a residential portion of…Norco close to the location where the overhead RTRP route would cross the Santa Ana River," with an annotation from the Riverside Planning Department estimating that the street is approximately 24 feet wide.[68] But the Riverside County Assessor Map for this location indicates that River Drive is 60 feet wide at this point.[69]

3. THE NORCO PFM'S CLAIM THAT THE PROJECT WOULD INTERFERE WITH AERIAL FIREFIGHTING IS UNSUPPORTED BY SUBSTANTIAL EVIDENCE.

The Norco PFM claims that the presence of transmission lines will restrict aerial firefighting, providing what appears to be a mobile phone picture of a television screen showing a fire burning near a transmission line.[70] But taken alone, a photograph with no indication that aerial firefighting was taking place, or that it was impeded by the presence of the transmission line, does not support Norco's claim.

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66 Norco PFM, p. 15.
67 *See* Attachment A hereto.
68 Bryan Declaration, Attachment C.
69 *See* Attachment B hereto, a PDF printout of Riverside County Assessor's Map BK152, page 09, available at: https://gis.asrclkrec.com/AssessorMaps/15209.pdf (accessed on October 29, 2023). To the extent necessary, SCE respectfully requests the Commission take official notice of this map pursuant to Rule 13.10.
70 *See* Bryan Declaration, Attachment F.

To the contrary, successful aerial firefighting activity regularly takes place near transmission lines, and SCE is aware of several examples of fires fought by aircraft in recent years, including the following:

- Coyote Fire (Banning, 2022),[71] which was successfully attacked from the air by the Riverside County Fire Department in the vicinity of SCE's Devers-Valley 500 kV transmission line sand for which Cal Fire reported that three helicopters were used.
- Highland Fire (Banning, 2023), where CAL FIRE deployed aerial firefighting near the Devers-Valley 500 kV transmission lines.[72]
- The Route Fire (Castaic, 2022), which was successfully attacked from the air, in the vicinity of the Bailey-Pardee and Pardee-Pastoria 230230 kV transmission lines.[73]

Numerous other easily-accessed media sources confirm that aerial firefighting activities take place in close proximity to transmission lines.[74]

Further to the point of the effectiveness of aerial firefighting, SCE itself has funded the Quick Reaction Force ("QRF"), a joint effort by the Orange County Fire Authority, Los Angeles County Fire Department and Ventura County Fire Department that includes Boeing CH-47 Chinook Very Large Helitankers each capable of carrying up to 3,000 gallons of water or

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71 *See* Declaration of Troy Whitman attached hereto ("Whitman Declaration"), at ¶ 3; *see also,* Attachment C hereto, a PDF printout of a *News Channel 3* online article entitled, "Banning Fire Downgraded To 46.3 Acres According To Cal Fire," available at: https://kesq.com/news/2022/05/15/a-brush-fire-burns-75-plus-acres-in-banning/ (accessed on October 29, 2023); *see also,* Attachment D hereto, a PDF printout of CAL FIRE's webpage incident webpage for the Coyote Fire, available at: https://www.fire.ca.gov/incidents/2022/5/15/coyote-fire/ (accessed on October 29, 2023).

72 Whitman Declaration, at ¶ 3.

73 *Id*.

74 *See, e.g.,* Attachment A hereto; *see also* Attachment E hereto, a PDF printout of two individual photographs from a *Desert Sun* online webpage entitled, "Photos: Crews Battle The Highland Fire In Banning," available at: https://www.desertsun.com/picture-gallery/news/fires/2023/07/15/photos-crews-battle-highland-fire-banning/12257545002/ (accessed on October 30, 2023). (The website would not allow printing or downloading of the entire webpage.)

retardant.[75] CH-47s have the ability to operate at night and in areas inaccessible to other firefighting aircraft.[76] Indeed, QRF helicopters operated at night when fighting the above-referenced Route Fire.[77]

The fact that the Project would not significantly impede aircraft operations is further supported by the fact that the Riverside FEIR and 2020 FSEIR both addressed potential hazards resulting from the Project's proximity to two nearby airport facilities, the Flabob Airport and Riverside Municipal Airport, and concluded that no significant impacts would result.[78] The Riverside FEIR also contained an Airspace Analysis prepared by Aviation Systems, Inc. that determined the extent of the applicability of Federal Aviation Administration ("FAA") notification and obstruction criteria.[79] Based upon that analysis, the Project will comply with all applicable regulations and make project design modifications as appropriate, including adding flashing lights on certain structures and visibility marker balls on certain spans between structures.[80]

4. INCREASED FREQUENCY OF FIRES IN THE SANTA ANA RIVER AREA ARE PARTLY ATTRIBUTABLE TO OTHER HUMAN ELEMENTS, SUCH AS ENCAMPMENTS THAT WERE ONLY RECENTLY PROHIBITED BY THE CITY OF RIVERSIDE

The Norco PFM claims that fire risk in the Santa Ana River area has dramatically increased in recent years, but fails to address substantial evidence in the record indicating that the

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75 Attachment F hereto, a PDF printout of an *Aerial Fire* online article entitled, "Quick Reaction Force Deploys In California," available at: https://aerialfiremag.com/2022/09/09/quick-reaction-force-deploys-in-california/ (accessed on October 30, 2023).

76 *Id*.

77 *See* Attachment G hereto, a PDF printout of a *Fire Aviation* article entitled, "Report Shows Use Of Four-Helicopter Quick Reaction Force Through The Night Limited Final Size Of Route Fire," available at: https://fireaviation.com/2022/10/01/report-shows-use-of-four-helicopter-quick-reaction-force-through-the-night-limited-final-size-of-route-fire/ (accessed on October 31, 2023).

78 Riverside FEIR, at p. 3-342; 2020 FSEIR Initial Study, p. 4-16.

79 *See* Riverside FEIR, Appendix B.

80 *See* 2020 FSEIR, at p. 3-211.

increased frequency of fires is significantly caused by other human activity, such as encampments. In fact, in this proceeding, the City of Riverside already provided unchallenged testimony from Deputy Chief of the Riverside Fire Department La Wayne Hearn and Riverside Emergency Services Administrator Mark Annas in support of the Riverside Local Hazard Mitigation Plan's conclusion that "the threat of fire in the Santa Ana riverbed is high from both natural causes and human related causes," and that "many of the fires in the [Santa Ana] riverbed have been associated with the various encampments that exist within the foliage areas."[81]

To address this issue, in 2022 the City of Riverside adopted Ordinance 7606, amending the Riverside Municipal Code to specifically prohibit camping in the "wildland urban interface," defined as land within any designated fire hazard severity zone.[82] As the City of Riverside continues enforcement of this new prohibition, fire incidents within the Santa Ana River bed should reasonably be expected to decrease in frequency, correspondingly decreasing the baseline wildfire risk near the Project alignment in nearby communities such as Norco and Riverside.

In sum, the Norco PFM overstates the wildfire risk of the area intersected by the aboveground RTRP alignment by ignoring that area's longstanding and consistent fire risk designations, overstating the risk from overgrown vegetation, raising unfounded concerns about the Project's interference with aerial firefighting, and treating an increase in fires caused by human activity as evidence of increased fire risk in general. Taken together, there is no substantial evidence for Norco's assertion that wildfire risk has changed to an extent that requires reopening the Project proceeding.

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[81] Exh. RIV-2, at p. A-182.

[82] *See* Riverside Municipal Code §§ 9.04.600-9.04.610, available at: https://library.municode.com/ca/riverside/codes/code_of_ordinances?nodeId=PTIICOOR_TIT9PESAMO_CH9.04OF_9.04.610SPPRAC. To the extent necessary, SCE respectfully requests the Commission take official notice of these regulations pursuant to Rule 13.10.

V.

THE NORCO PFM SHOULD BE DISMISSED BECAUSE THERE IS NO NEED TO REOPEN THE RTRP PROCEEDING TO PERFORM ADDITIONAL ANALYSIS OF WILDFIRE IMPACTS OR ALTERNATIVE 8

The Norco PFM claims that the wildfire impact analysis set forth in the Riverside FEIR and 2020 FSEIR was insufficient and that Alternative 8, incorporating the undergrounding of the entire Project, was inappropriately dismissed from further consideration.[83] As explained below, the Riverside FEIR and 2020 FSEIR analyzed wildfire impacts sufficiently to disclose the risks and impacts of the Project, and correctly concluded that the Project's wildfire impacts would remain less than significant. The 2020 FSEIR also correctly dismissed Alternative 8 from further consideration because it would result in substantially greater environmental impacts than the Project.

A. THE RIVERSIDE FEIR AND 2020 FSEIR ANALYZED AND ADDRESSED THE PROJECT'S WILDFIRE IMPACTS

The Norco PFM alleges that the Riverside FEIR and 2020 SEIR failed to provide a sufficient analysis of the Project's wildfire impacts, disparaging the majority of the wildfire analysis set forth in both documents in favor of sweeping generalities.

The Norco PFM argues that the Riverside FEIR's analysis of wildfire impacts was limited to construction impacts only, and therefore imposed mitigation measures designed to reduce construction impacts.[84] But the Riverside FEIR's emphasis on construction ignition risks was entirely appropriate in light of the comparatively low level of wildfire ignition risk presented by the operation of transmission lines discussed above. The presence of petroleum products and flammable chemicals during construction, along with a wide array of construction equipment

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[83] Norco PFM, at pp. 25-29.
[84] Norco PFM, at p. 25, discussing the Riverside FEIR at p. 3-205 (MM HAZ-03).

potentially discharging sparks at ground level, very reasonably present acute wildfire ignition risks. The Norco PFM dismissively refers to Riverside FEIR Mitigation Measure MM HAZ-03 as "[s]imply training construction workers to reduce the idling time of their equipment and to carefully put out cigarettes," but this measure complies with CEQA by being specifically tailored to the results of an environmental analysis that found that a greater wildfire ignition risk was posed by construction rather than operation. The 2020 FSEIR's reliance on the Riverside FEIR's wildfire analysis and mitigation measures, including those related to potential construction impacts, was entirely appropriate and supported by substantial evidence.

Regardless, the Norco PFM's claim that the Riverside FEIR and 2020 FSEIR provided only a "cursory" analysis "which focused only on construction fire ignition risks" is untrue.[85] The 2020 FSEIR's wildfire impact analysis is set forth in Section 4.7, Hazards and Hazardous Materials. In particular, the availability of fire protection services, fire prevention measures, and emergency response plans and regulations applicable to wildfire risk impacts from Project operation are discussed in 2020 FSEIR Sections 4.7.4, Environmental Setting (Emergency Services) and 4.7.5, Regulatory Setting (California Public Resources Code). As discussed above, that analysis specifically discussed the relative wind vulnerability of transmission towers and important wildfire safety design features of transmission lines like RTRP, including the spacing between conductors and the proposed automatic shutoff mechanism.[86] The Riverside FEIR also discussed the wildfire protection services available to serve the Project,[87] and specifically analyzed potential wildfire risks from Project operation and the reductions in wildfire risk resulting from compliance with applicable safety regulations such as the Commission's GO 95 and Public Resources Code Section 4293.[88]

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[85] Norco PFM, at p. 17.
[86] 2020 FSEIR, at p. 4.7-24.
[87] Riverside FEIR, at p. 3-198.
[88] Riverside FEIR, at p. 3-214.

The Norco PFM also cherry-picks dates from the lengthy history of the Project's environmental review to create the false impression that the Project was approved with no consideration of the general Statewide increase in wildfire risk in recent years. For example, the Norco PFM emphasizes the "monumental increase in wildfire hazards statewide," including the 2018 Camp Fire, in the "years since the [Riverside FEIR] was certified."[89] But the CPUC's decision granting the CPCN for the Project and certifying the 2020 FSEIR occurred *after* the 2018 Camp Fire (which was linked to aged equipment and inadequate inspections),[90] as well as the 2018 Woolsey fire and 2017 Thomas Fire. The Norco PFM's claim that the "[Riverside] EIR and 2018 SEIR are products of an era and an attitude before major wildfires involving utility infrastructure were a routine occurrence in California," ignores the information available to the Commission by 2020 when the CPCN was issued.[91] The CPUC's approval of the CPCN occurred well into the era of frequent large fires in California, including fires caused by electrical utility equipment – a category that includes the Thomas, Woosley, and Camp Fires.[92]

B. THE 2020 FSEIR CORRECTLY REJECTED ALTERNATIVE 8

The 2020 FSEIR already thoroughly considered Alternative 8, which would locate all segments of the Project's transmission line underground, eliminating it from further consideration on the basis that "it would result in substantially greater environmental impacts

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89 Norco PFM, at p. 9. Although the Camp Fire was caused by a component failure on a 115 kV subtransmission line as opposed to a distribution line, the component that failed leading to the fire was 97 years old and had not been adequately inspected.

90 *See* Attachment H hereto, a PDF printout of a CNN online article entitled, "PG&E's Failure To Maintain Transmission Tower Helped Lead To The Deadly Camp Fire, Report Says," available at: https://www.cnn.com/2019/12/03/us/pge-transmission-lines-camp-fire/index.html (accessed on October 30, 2023). The RTRP transmission lines would be constructed with modern safety technology and would be subject to the rigorous inspections required by SCE's WMP.

91 *See* Norco PFM, at p. 2.

92 The fact that wildfires caused by electrical utility infrastructure have remained a significant issue since the Project was approved in 2020 also calls into question why Norco failed to raise these same issues within one year of Project approval, consistent with Rule 16.4(d).

than the Revised Project."[93] As directly discussed in the 2020 FSEIR, Alternative 8 would result in substantially greater impacts in a variety of categories compared to Alternative 1 (the version of RTRP approved in the Decision), even though that version incorporates some undergrounding north of the Santa Ana River.[94] For example, in contrast to portions of the Project revised to be undergrounded in the City of Jurupa Valley (largely through existing public streets), Alternative 8 would involve a massive disruption of undisturbed lands south of the Santa Ana River. The analysis in the 2020 FSEIR explained that such increased construction activity would result in greater air quality and greenhouse gas emissions from construction vehicles, while increased trenching necessary for the undergrounding could lead to significant impacts on habitat, special-status species, cultural resources and paleontological resources.[95] Constructing an underground transmission line across the Santa Ana River corridor would also "require a horizontal directional drill installation or installation of water diversion and/or coffer dam," resulting in potentially significant impacts.[96] The Norco PFM offers no substantial evidence to rebut the 2020 FSEIR's analysis of Alternative 8's potential to cause far greater environmental impacts than Alternative 1, instead simply asserting that it should have been analyzed further because of the possibility that it could reduce wildfire impacts.[97]

The Riverside FEIR also identified maintenance issues that could make a fully undergrounded RTRP potentially far less reliable, noting that "underground transmission lines…are vulnerable to cable/splice failure, washouts, seismic events, and incidental excavation."[98] It also noted that "[o[utages for underground lines generally last days or weeks while the problem is located, excavated, and repaired," as compared to overhead lines that "can

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93 2020 FSEIR, at p. 3-37.
94 2020 FSEIR, Appendix D (Alternatives Screening Report), at p. 19.
95 *Id.*, at p. 45.
96 *Id.*
97 Norco PFM, at p. 30.
98 Riverside FEIR, p. 6-34.

typically be located and repaired in a matter of hours."[99] California Courts have already upheld those rationales for rejecting complete undergrounding of RTRP.[100] Such concerns are especially relevant in and around waterways, such as the Santa Ana River under which Alternative 8 would have to cross. Norco's request to reopen the record to again study Alternative 8 should be dismissed because existing environmental analyses and other evidence in the record establish that Alternative 8 would only marginally reduce wildfire impacts that are already below the level of significance while being very likely to result in significant and unavoidable impacts in a variety of other categories and potentially reducing reliability.

VI.

CONCLUSION

Filed three and a half years after the CPUC issued its Decision approving a CPCN for RTRP, the Norco PFM represents the latest in a long line of attempts to delay this much-needed project so that nearby interests can make yet another case for undergrounding even after multiple rounds of reviews and confirmatory litigation. However, unlike in Jurupa Valley, where the CPUC found limited undergrounding appropriate to avoid *direct* conflicts with new land use projects, nothing in the Norco PFM justifies the massive cost of undergrounding the RTRP transmission line south of the Santa Ana River. The Norco PFM's entire argument rests on the façade that the two EIRs certified for RTRP ignored allegedly emerging wildfire risks associated with electric power lines. But it ignores fundamental distinctions between tall and robust transmission lines like RTRP on the one hand, and smaller distribution facilities on the other hand. It also ignores new and emerging technologies and wildfire risk reduction practices being implemented by SCE across its service territory for projects like RTRP, as already explained in uncontradicted testimony presented to the Commission as part of the record of this proceeding.

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[99] *Id*.

[100] *See* Attachment I hereto, a copy of the Court of Appeal's unpublished Opinion in *City of Jurupa Valley v. City of Riverside* (Second Appellate District Case No. B257623), at pp. 13-15, 30.

Transmission projects such as RTRP are a vital component of SCE's efforts to meet California's ambitious clean power and carbon neutrality goals by 2045. Those goals are not compatible with the additional years of delay that could result from reopening this proceeding after RTRP has already been subjected to more than a decade of administrative and judicial reviews. The Norco PFM should be rejected so that SCE can confidently get to work on this approved project to improve reliability for Riverside and its electrical customers.

Respectfully submitted,

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November 1, 2023

Attachment A

CALIFORNIA

Fast-moving brush fire in dry riverbed forces evacuations in Norco

Fire crews get a handle on a brush fire, dubbed the Mann fire, that broke out in Norco on Tuesday, (Irfan Khan/Los Angeles Times)

BY HANNAH FRY, ALENE TCHEKMEDYIAN

MARCH 3, 2020 7:51 PM PT

A brush fire that broke out in the Santa Ana River bottom in Norco on Tuesday morning has stopped growing after tearing through 175 acres and temporarily forcing nearby residents to evacuate.

The blaze, dubbed the Mann fire, was reported at 9:51 a.m. along a section of riverbed near California Avenue and Grulla Court. The fire, which was initially reported to be

about 10 acres, quickly chewed through heavy, dry brush in the area and swelled to 100 acres in less than two hours, according to the California Department of Forestry and Fire Protection.

It stopped growing by midafternoon, and authorities lifted evacuation orders west of California Avenue and north of 8th Street. As of 6:45 p.m., residents north of North Drive and east of California Avenue remained under an evacuation warning.

Two people suffered injuries that were not life-threatening. Five properties sustained minor damage to fencing and outbuildings, authorities said.

(Paul Duginski / Los Angeles Times)

The homes sit in a city known for its equestrian trails and properties, officials said.

Evacuation centers have been set up at Corona High School and Corona Jurupa Valley High School. Residents with large animals are being told to go to the George Ingalls Equestrian Event Center.

Students from nearby Riverview Elementary School were evacuated from the campus shortly after noon and were taken by bus to Norco High School, school officials wrote in a message to parents.

The Jurupa Valley Unified School District said several of its schools were put on an “inclement weather schedule” because of smoke from the fire. Norco High School and Roosevelt High School in Eastvale canceled outdoor sports for the day.

More than 200 firefighters responded to battle the blaze amid winds gusting up to 25 mph. The cause of the fire has not been determined.

Television images showed firefighters spraying down trees and homes near the fire as strong winds whipped through the area. A helicopter made water drops, and smoke was visible across Riverside County.

A high-wind warning, which expired at noon, was in effect for the Norco area at the time the fire broke out. Northeast winds were gusting between 15 and 25 mph in the area shortly after noon as temperatures climbed to the high 70s.

“The winds are starting to die down,” said Jimmy Taeger, a meteorologist with the National Weather Service in San Diego. “Hopefully, this means things will be getting better soon for firefighters.”

Large swaths of California are facing the driest combined January and February on record, and many areas of the state already have relatively dry vegetation. Corona Municipal Airport, roughly five miles from Norco, saw only a trace amount of precipitation during the first two months of the year.

Officials with the weather service in Los Angeles wrote on Twitter that the fire is “an indication of how dry it is getting in SoCal without significant rainfall in the past two months.”

Hannah Fry

Hannah Fry is a Metro reporter covering Orange County for the Los Angeles Times. She joined the newspaper in 2013 as a reporter for the Daily Pilot, a Times

Community News publication. Fry most recently covered breaking news for The Times and was part of the team that was a 2020 Pulitzer finalist for its coverage of a boat fire that killed 34 people off the coast of Santa Barbara. She grew up in Orange County and got her start as an intern at the Orange County Register.

Alene Tchekmedyian

Alene Tchekmedyian is an investigative reporter at the Los Angeles Times. She previously covered the Los Angeles County Sheriff's Department, focusing on accountability stories and writing about failures by officials to comply with transparency laws. Before joining The Times in 2016, she reported on crime and policing for the Glendale News-Press and Burbank Leader.

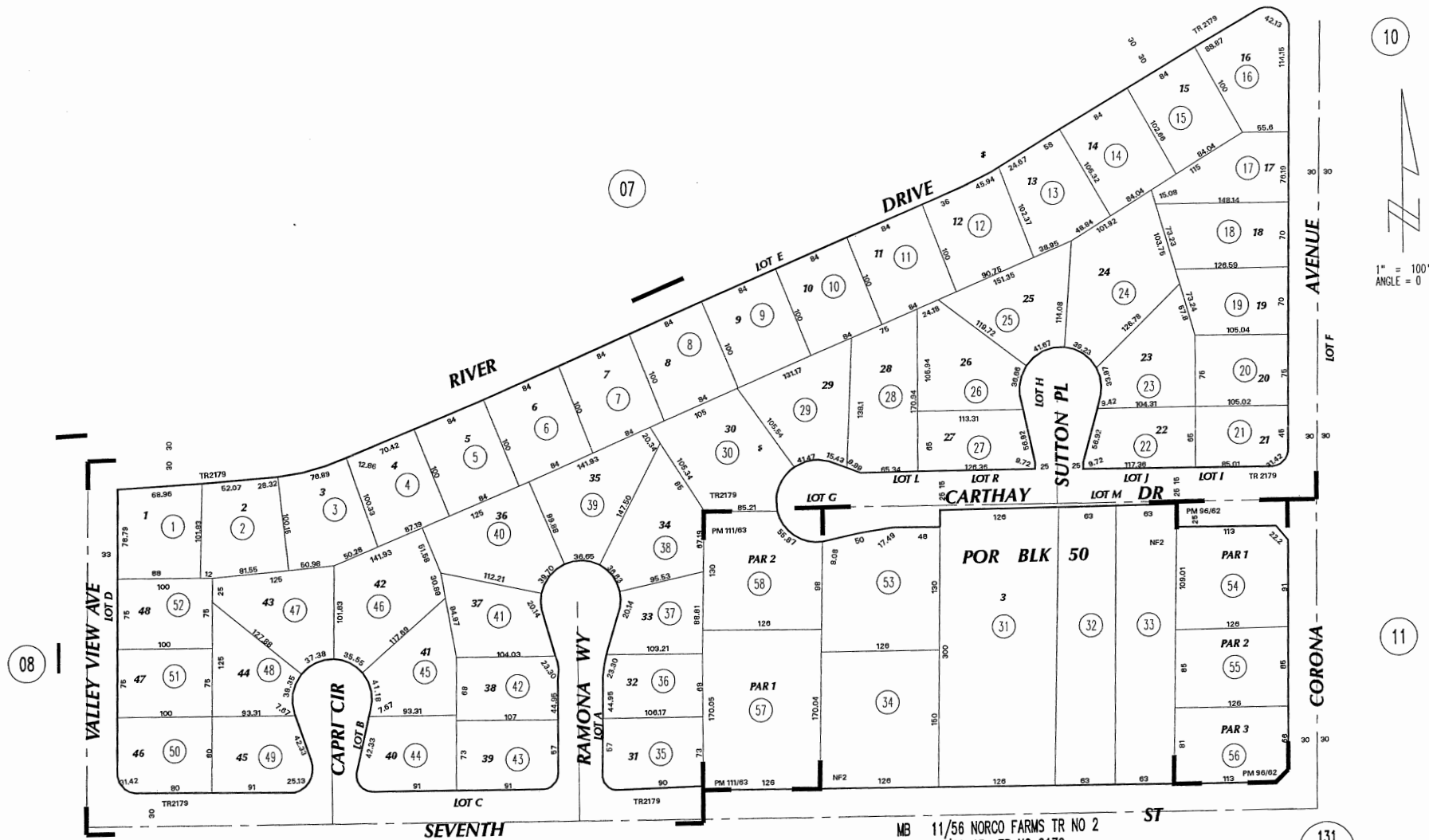
Attachment B

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

SEC.31 T.2S.,R.6W
POR.PSEC 6 T.3S.,R.6W
CITY OF NORCO

T.R.A. 015-002

152-09
134-29



MB 11/56 NORCO FARMS TR NO 2
MB 45/41-43 TR NO 2179
PM 96/62 PM NO 16505
PM 111/63 PM NO 17131

ASSESSOR'S MAP BK152 PG.09
Riverside County, Calif.

Jan 2004

Attachment C

News FOLLOW 80 Followers

Banning fire downgraded to 46.3 acres according to Cal Fire

By Laurilie Jackson FOLLOW

May 15, 2022 8:08 PM Published May 15, 2022 4:27 PM

Update: 7:47 pm. According to Cal Fire, the Banning fire that is being called the Coyote fire has burned 46.3 acres and is 0% contained. The forward rates of spread have been stopped. One fire-firefighter has sustained a non-life-threatening injury and was transported by ground to a local hospital.

Original reports by Cal Fire estimated that the fire was a 75-acre brush fire, but that number was recently decreased according to Cal Fire.

The fire broke out in an unincorporated area south of Banning today at 2:40 p.m. near Old Idyllwild Road, according to the Riverside County Fire Department.

Fire officials said the well-established fire was burning at a moderate rate of spread in light to medium fuels.

Firefighters were attacking the blaze from the ground and the air, according to fire officials.

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Laurilie Jackson

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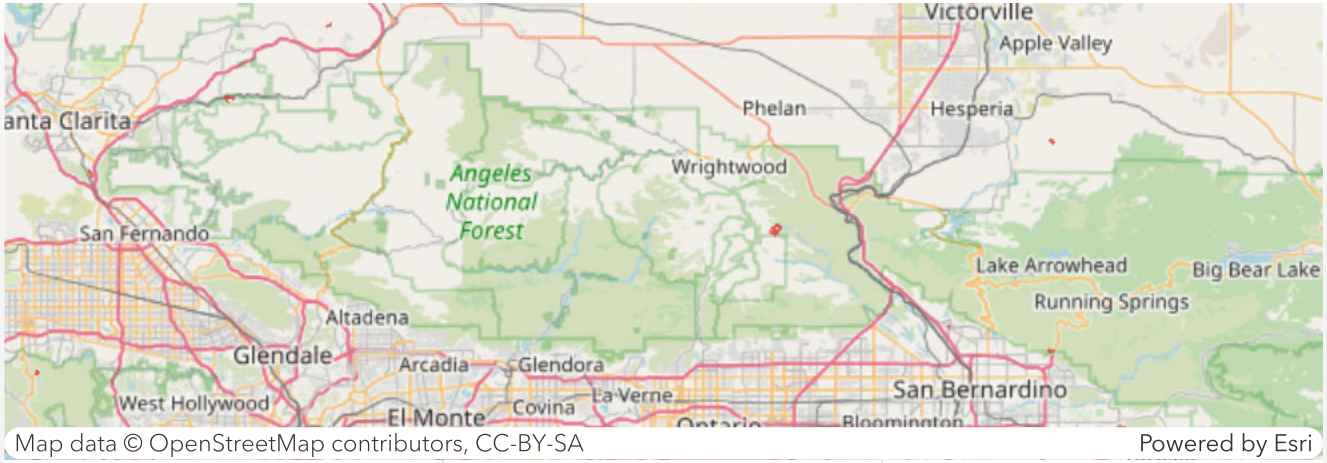
Attachment D

Coyote Fire

100% Contained | 46 Acres | 1 County: Riverside



Last Updated

05/23/2022 9:45 AM

Date Started

05/15/2022 5:33 PM

Date Contained

05/16/2022 9:45 AM

(Active for 1 days)

Location Information

Near Old Idyllwild Road, in Banning

Latitude / Longitude

[33.886637,-116.900635]

Admin Unit

CAL FIRE RRU

Reports

Prior status reports

Resources Assigned

3	23	4	6
Helicopters	Engines	Water Tenders	Crews

Social Media

https://twitter.com/CALFIRERRU

Attachment E

Attachment F

FIRE

Quick Reaction Force Deploys in California

Aerial Fire News Feature Stories Fire Regulations Government Ground Ops **September 9, 2022**

For the second consecutive year, three Southern California fire departments — Orange County Fire Authority (OCFA), Los Angeles County Fire Department (LACoFD), and Ventura County Fire Department (VCFD) — head into peak fire season armed with the world's largest fire-suppression helicopters.

Available to fight wildfire day or night and funded by $18 million from Southern California Edison (SCE), the Quick Reaction Force (QRF) returns in 2022 after dropping nearly 3 million gallons on more than 50 wildfires in 2021.

“When we say that ‘speed and force’ is a required cost of doing business in today’s wildland fire environment, we do not mean the quantifiable cost of QRF aircraft or its Mobile Retardant Base; we mean the immeasurable cost of the loss of life and property if those resources are not available,” said OCFA Fire Chief Brian Fennessy. “Last year, the QRF proved it does far more than save taxpayer dollars; it saves lives and communities, and we are proud to partner with SCE and our sister agencies to bring it back for 2022.”

“In the past year, LACoFD has dispatched and utilized Helitanker 55 on numerous wildfires within our jurisdiction, including the Tumbleweed Fire in Gorman that consumed 856 acres without injuring anyone or destroying or damaging

any homes," said LACoFD Fire Chief Daryl Osby. "Last season, our investment and participation in the Quick Reaction Force program has proven to be valuable in the protection of our residents and the communities we serve. This year, in anticipation of a hotter than normal summer, the QRF resources will again be a welcome addition to our world-renowned air operations fleet."

"Having these helicopters available last summer helped immediately in protecting homes and businesses across the region from wildfire," Ventura County Fire Chief Dustin Gardner said. "With another long fire season already upon us, I am grateful they're here to join the fight."

Under the partnership, SCE is paying to lease the equipment beginning on June 24, 2022. Each fire department will provide staff, and if called into action, the requesting fire department will pay for the operational costs.

“The Quick Reaction Force is one of the many tools that is helping us to be better equipped for wildfires,” said Steven Powell, president and CEO of Southern California Edison. “SCE is also doing our part by hardening our electric system and improving fire condition monitoring with a growing network of weather stations and cameras. This partnership is one aspect of our comprehensive approach to address the threat of wildfire, and we are honored to support the great fire agencies in our service area that protect communities and save lives.”

The Quick Reaction Force fleet consists of:

- Two Boeing CH-47 Chinook Very Large Helitankers that can each carry up to 3,000 gallons of water or retardant
- A Sikorski S-61 helitanker that can carry up to 1,000 gallons of water or retardant
- A S-76 intelligence and recon helicopter
- A mobile retardant base (MRB) which can mix up to 18,000 gallons of retardant per hour
- And multiple hover-filling tanks for water or retardant

The CH-47s are the biggest, fastest, smartest, and most effective water- and retardant-dropping helitankers in the world. The helitankers can operate day or night and have the ability to 'hover' fill with a retractable snorkel, allowing them to return to the fire line more quickly. These factors led to much QRF success in 2021, including a single helitanker dropping 37,000 gallons of water in a narrow canyon at night on the Tuna Fire, saving homes, structures and lives in a way that no other firefighting equipment or personnel ever has.

Another critical component of the QRF is the mobile retardant base and hover-filling tanks. The mobile retardant base will be positioned close to the fire in pre-determined locations in each of the counties, allowing for faster turnaround time of each of these helitankers.

Initially, one helicopter will be deployed in each county and will be available wherever called upon by any of the partner fire departments, prioritized for fire suppression activities within SCE's 50,0000 square-mile service area. If needed, all four helicopters and the MRB will be assigned to a wildfire to provide overwhelming suppression power.


PHOS-CHEK
FIRE RETARDANT | FOAM | GEL

Attachment G

Report shows use of four-helicopter Quick Reaction Force through the night limited final size of Route Fire

Bill Gabbert October 1, 2022 Helicopters California, Quick Reaction Force, Route Fire

In September it burned 5,280 acres north of Los Angeles between Interstate 5 and Castaic Lake

Quick Reaction Force helicopters. From the QRF report.

A report produced by the managers of Southern California's Quick Reaction Force (QRF) of four helicopters concludes that the aggressive aerial attack working with the units on the ground likely limited the final size and cost of the Route Fire. The fire started at about noon on August 31, 2022 and ultimately burned 5,280 acres north of Los Angeles between Interstate 5 and Castaic Lake. *(Download the 3.2 Mb report)*

This is a different incident from the Route Fire that burned 454 acres a few miles away along Interstate 5 September 11, 2021. You may remember that fire as the one where 13 firefighters who were becoming rapidly entrapped were crammed into two US Forest Service engines and rescued with only moments to spare. There were 23 bodies in the two engines, with seating designed for five each. Another 11 firefighters not quite as close to the flames were rescued by Los Angeles County engines.

The four QRF helicopters are all staffed for 24-hour coverage and equipped for night flying. With most of their base funding supplied by Southern California Edison they are located in Orange, Los Angeles, and Ventura Counties. Two of the helicopters are CH-47 Chinooks, one is an S-61, and the fourth is an S-76 used for aerial supervision. The

helicopters are dispatched as a unit along with a mobile fire retardant base and can drop water until the base is established. The fact that they can drop retardant 24 hours a day, when fixed wing aircraft can't work the fire at night, can be a game changer. During the Route Fire the mobile retardant base did not have to travel, it was set up at its base about 10 miles from the fire.

Route Fire map, Sept. 3, 2022.

The assignment given to the QRF by Los Angeles County Fire Department on the Route fire was for it to stop the spread to the north. The S-61 was tasked to hold a particular location on the fire, using water from the adjacent Castaic Lake. It averaged of 696 gallons per drop.

The two Chinooks dropped averages of 2,434 gallons of water per drop and 1,896 gallons of retardant per drop. The three suppression helicopters flew an average of 9 hours each that afternoon and into the night, dropping 223,000 gallons of water and 55,000 gallons of retardant. The S-76 was used for 17 hours. The total cost of the retardant and flight time for the four ships was $403,950.

Map of 2022 Route and 1996 Marple Fires. From the QRF report.

The report compares the Route Fire to the 1996 Marple Fire which started in about the same location at the same time of the day and time of year in similar weather conditions. By midnight the Marple Fire had exceeded 10,000 acres and continued spreading for two or three days until it was stopped at 19,860 acres.

Retardant line on north side of Route Fire, Sept. 1, 2022. From the QRF report.

In contrast, the spread of the Route Fire was stopped at 8 a.m. on Day 2. The three helicopters dropped water and retardant much of the night to hold it at a ridge on the north side, allowing hand crews and dozers to complete fire line.

It is very difficult to compare the suppression costs of two fires that occurred 26 years apart, but the authors of the QRF report estimated that the cost of the Marple Fire in today's dollars would be somewhere between $70 million and $140 million. The cost of the Route Fire was $7 million to $8 million.

Typos, let us know, and please keep in mind the commenting ground rules before you post a comment.

3 thoughts on "Report shows use of four-helicopter Quick Reaction Force through the night limited final size of Route Fire"

FrankF

October 1, 2022 at 6:49 pm

Just a correction on who pays for the QRF. It sounds nice that Southern California Edison pays the bill but ultimately it's the electrical rate payer who coughs up the money.

Lavaughn Pennyfarthing

October 1, 2022 at 5:45 pm

Nice Job Mr. Price, you Godd___n national treasure you!

Ken Swartz

October 1, 2022 at 5:18 pm

It would interesting to understand what the aircraft costs include. Is this just the hourly rate for the helicopters, or does it also include fuel?

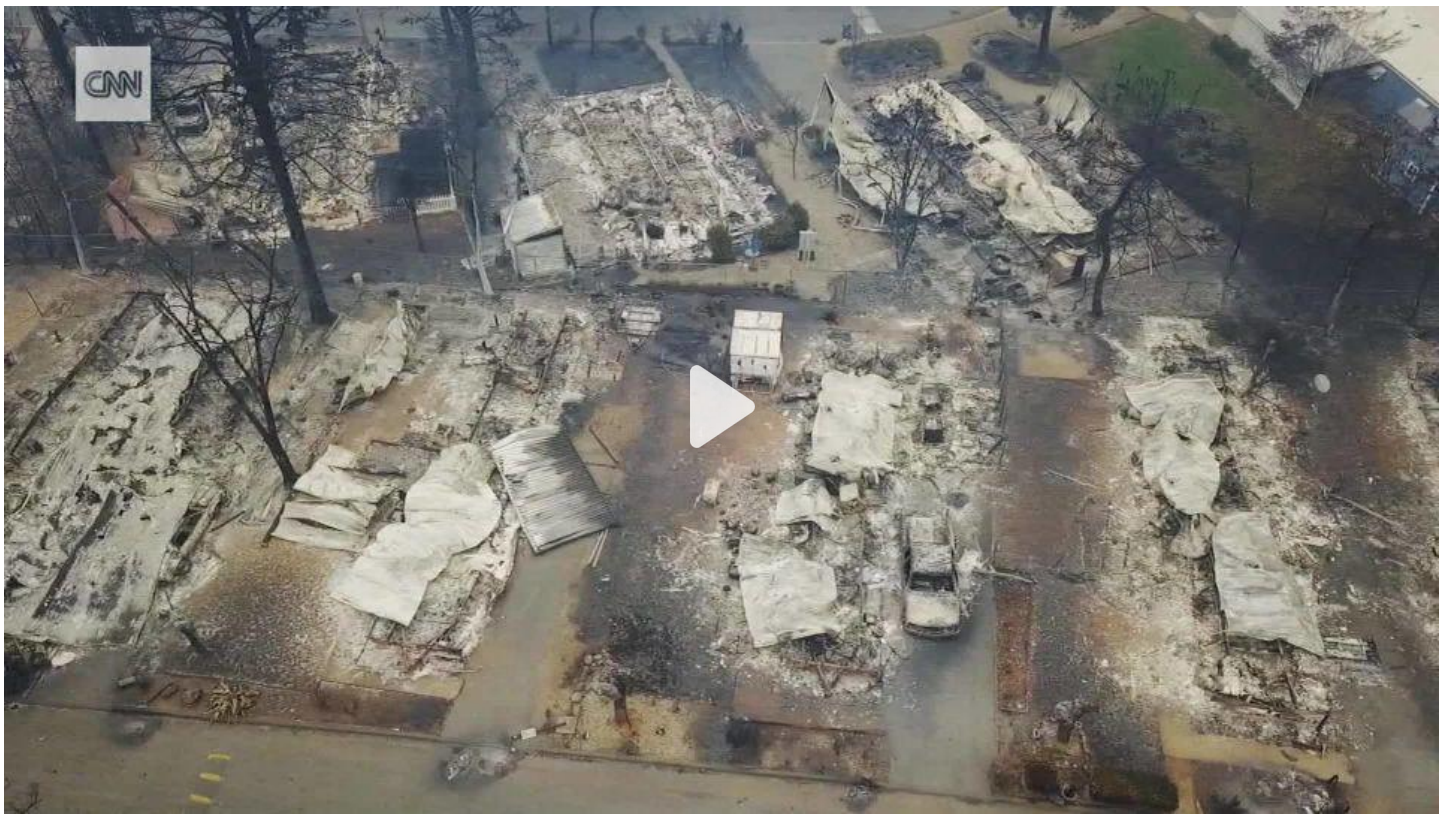
Comments are closed.

Attachment H

PG&E's failure to maintain transmission tower helped lead to the deadly Camp Fire, report says

By Jason Hanna and Sarah Moon, CNN

3 minute read · Published 4:16 PM EST, Tue December 3, 2019



Video Ad Feedback

Drone footage shows wildfire devastation

01:04 - Source: CNN

(CNN) — Inspections and maintenance of a California utility's transmission-line towers were inadequate for years, and that helped lead to an equipment failure that ignited the state's deadliest wildfire, state investigators say in a recent report.

The report sums up an investigation by the California Public Utilities Commission's Safety and Enforcement Division (SED) into the November 2018 Camp Fire, which killed 85 people and destroyed thousands of structures.

California fire investigators reported in May that Pacific Gas & Electric (PG&E) electrical lines caused the fire, and PG&E had conceded that a part had separated from a transmission-line tower, likely starting the fire in dry vegetation near the town of Pulga.

RELATED VIDEO
PG&E will file for bankruptcy, replace CEO

in place failed, thus allowing the assembly to fall.

“The C-hooks from the incident tower … show significant wear that was not detected as part of PG&E’s transmission infrastructure patrol and inspection program,” the report says.

The failed C-hook’s timely replacement “could have prevented ignition of the Camp Fire,” the report reads.

The report accuses PG&E of 12 violations of state rules, some of which relate to the utility’s alleged failure to maintain the C-hook, to replace or reinforce it and to thoroughly inspect the tower.

PG&E also did not document the factors and reasons that led to delayed repair work on the tower, the report says.

Some of the other violations, the report says, relate to inspection failures with other PG&E towers on the Caribou-Palermo Transmission Line that investigators examined during the investigation.

“SED’s investigation of the Camp Fire found that the identified shortcomings in PG&E’s inspection and maintenance of the incident tower were not isolated, but rather indicative of an overall pattern of inadequate inspection and maintenance of PG&E’s transmission facilities,” the report says.

The report was an appendix to the SED’s November 26 request for a judge to roll this investigation into an existing probe – one that is examining the role that PG&E’s facilities had in igniting fires in 2017.

PG&E says it is deeply sorry about the role its equipment played

RELATED VIDEO
Newspaper hopes to be a history book for fires

In response to the report, the utility said Monday that “PG&E accepts SED’s conclusion that PG&E electrical transmission lines near Pulga were a cause of the Camp Fire, reaffirming Cal Fire’s earlier determination.”

“Without question, the loss of life, homes and businesses is heartbreaking,” PG&E’s statement reads. “The tragedy in Butte County on November 8, 2018, will never be forgotten.

“We remain deeply sorry about the role our equipment had in this tragedy, and we apologize to all those impacted by the devastating Camp Fire.

“PG&E’s most important responsibility must always be public and employee safety, and we remain focused on helping affected communities recover and rebuild, resolving wildfire victims’ claims fairly and expeditiously, and further reducing wildfire risks.”

PG&E has been criticized in recent years for the role its equipment was found to have played in a series of catastrophic fires across the state, including the Camp Fire.

The company filed for bankruptcy in January as billions of dollars in claims were tied to deadly wildfires.

Hoping to avoid being blamed for more fires, the utility has been intentionally cutting electricity service during high winds and dry conditions.

PG&E should have known the tower needed closer inspection, report says

The report says PG&E procedures require annual patrol inspections of its transmission towers via walking or driving, or flying over them. It also requires detailed inspections – ground or aerial – at least once every five years.

and that should have triggered a closer, climbing inspection.

But PG&E’s records do not show any climbing inspection of that tower in at least 17 years, the report says.

“SED notes that a climbing inspection of the incident tower during that time (from 2001 to the time of the Camp Fire) could have identified the worn C-hook before it failed, and that its timely replacement could have prevented ignition of the Camp Fire,” the report reads.

Attachment I

Filed 11/12/15 City of Jurupa Valley v. City of Riverside CA2/3

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

CITY OF JURUPA VALLEY, Plaintiff and Appellant, v. CITY OF RIVERSIDE et al., Defendants and Respondents; SOUTHERN CALIFORNIA EDISON, Real Party in Interest and Respondent.	B257623 (Los Angeles County Super. Ct. No. BS143085) ORDER MODIFYING OPINION [NO CHANGE IN JUDGMENT

THE COURT:

It is ordered that the opinion filed herein on November 6, 2015, be modified as follows:

On page 1, the last paragraph of the designation of counsel should be deleted and replaced with the following:

Best Best & Krieger, Michelle Ouellette, Charity Schiller, Alisha M. Winterswyk; Gary Geuss, Kristi J. Smith and Anthony L. Beaumon for Defendants and Respondents.

Robert D. Pontelle for Real Party in Interest and Respondent.

There is no change in the judgment.

Filed 11/6/15 City of Jurupa Valley v. City of Riverside CA2/3 (unmodified version)

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

CITY OF JURUPA VALLEY, Plaintiff and Appellant, v. CITY OF RIVERSIDE et al., Defendants and Respondents; SOUTHERN CALIFORNIA EDISON, Real Party in Interest and Respondent.	B257623 (Los Angeles County Super. Ct. No. BS143085)

APPEAL from judgment of the Superior Court of Los Angeles County, Thomas I. McKnew, Jr., Judge. Affirmed.

Peter M. Thorson, City Attorney (Jurupa Valley); Richards, Watson & Gershon, Ginetta L. Giovinco and Stephen D. Lee for Plaintiff and Appellant.

Allen Matkins Leck Gamble Mallory & Natsis, K. Erik Friess and Nicholas S. Shantar for Lennar Homes of California Inc. as Amicus Curiae on behalf of Plaintiff and Appellant.

Best Best & Krieger, Michelle Ouellette, Charity Schiller and Alisha M. Winterswyk for Defendants and Respondents and Real Party in Interest and Respondent.

INTRODUCTION

In need of more electrical power for the growing City of Riverside population, Defendants and Respondents the City of Riverside (Riverside) and the Riverside Public Utilities Department (RPU) worked together with real party in interest Southern California Edison (Edison) to design the Riverside Transmission and Reliability Project (the Project). The Project involves the creation of a transmission line, two substations, and several subtransmission lines to deliver power throughout Riverside. Pursuant to the California Environmental Quality Act (CEQA), Riverside evaluated the environmental impact of the Project, made modifications in response to public comment, and approved the Project. Plaintiff and Appellant the City of Jurupa Valley opposed the Project through public comment during the environmental review and subsequently brought a mandamus action in superior court, which was denied. Jurupa Valley appeals from the superior court's denial of its mandamus petition.

On appeal, Jurupa Valley asserts that Riverside violated CEQA by (1) failing to recirculate the Final Environmental Impact Report (Final EIR) despite adding new information to it, (2) not fairly and in good faith analyzing Project alternatives, and (3) pre-committing to the Project. We affirm on all grounds. Substantial evidence supports Riverside's determination that recirculation was not required because the minor rerouting of the transmission lines did not result in increased or new, substantial environmental impacts. The administrative record also demonstrates that Riverside reasonably excluded the Eastern Route and undergrounding from the Project alternatives on the basis that they were infeasible and failed to meet the Project's objectives. Lastly, the record does not indicate that Riverside committed itself to the Project so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered.

FACTS AND PROCEDURAL BACKGROUND

Edison currently delivers electrical power to the City of Riverside via a single transmission line connected to the surround grid at Edison's Vista Substation, which is operated by the California Independent Systems Operator (CAISO, the independent

electrical grid operator for approximately 80% of California's power grid). Because Riverside's electricity needs have outstripped supply, Riverside and RPU have worked with Edison over the last decade to design a second connection to the transmission grid in order to provide more power to Riverside and to protect Riverside residents and businesses against the blackouts that occur whenever service from the Vista substation is interrupted. Studies prepared by Edison demonstrated that, at minimum, a double-circuit 220 kilovolt (kV) transmission line (operable at 230 kV) and a 220-66 kV transmission substation (operable at 230-69 kV) were needed to provide Riverside with a second electricity transmission source. In January 2006, the RPU Board recommended and the Riverside City Council approved an $800,000 appropriation for consultant Power Engineers to conduct a study of Project alternatives, environmental review of the Project pursuant to CEQA, and permitting. Additional appropriations were later approved by the City Council in order to complete the environmental review.

Also in 2006, Riverside conducted a Siting Study, assessing the feasibility of three possible routes (the Santa Ana River West Corridor, the Central Corridor, and the Santa Ana River East Corridor) for the main transmission line. Through this study, Riverside determined that the Eastern Route was not feasible due to public safety, structural stability, and environmental concerns. Riverside used this study to define the scope of the Project and its alternatives for the EIR.

In August 2011, Riverside issued the Draft EIR. The Draft EIR defined the Project as involving the creation of a 230 kV transmission line (a portion of which would lie within the city limits of the City of Jurupa Valley), two new substations, and several 69 kV subtransmission lines to deliver power to areas throughout Riverside. Within the EIR, Riverside excluded the Eastern Route as an alternative based on its findings from the Siting Study and a preliminary geotechnical evaluation of the potential routes made by Edison. Riverside also determined that it was not feasible to underground the 230 kV or the 69 kV lines because undergrounding provided solely aesthetic benefits, while costing many times more than overhead lines and while causing greater environmental impacts.

Riverside subsequently issued a Final EIR, responding to comments and making minor modifications to the Project in response to public concerns. In reaction to a shopping center's concerns regarding the 230 kV transmission line running through its parking lot, Riverside rerouted the transmission line to run along the backside of the shopping center. Responding to significant safety concerns, Riverside decided to underground a half-mile stretch of 69 kV transmission line, which paralleled the Riverside Municipal Airport and would have otherwise obstructed flight paths. Riverside informally accepted and responded to additional comments regarding the Final EIR, and subsequently approved the Project, issuing a statement of overriding considerations.

Jurupa Valley opposed the Project through public comment during the environmental review and subsequently brought a mandamus action in superior court. In its petition for a writ of administrative mandamus, Jurupa Valley argued in part that Riverside violated CEQA by not recirculating the Final EIR after adding new information to it, failed to properly analyze Project alternatives, and pre-committed to the Project. The court denied the petition, finding that the Final EIR did not require recirculation, Riverside reasonably considered Project alternatives, and that Riverside did not pre-commit to the Project. Jurupa Valley now appeals.

DISCUSSION

Jurupa Valley makes three main arguments regarding the City's compliance with CEQA. First, Jurupa Valley argues that Riverside failed to comply with CEQA because Riverside added significant new information to the Final EIR, which included altering the route of transmission lines in two places, without re-circulating the Final EIR for public review, public comment, and responses to those comments. Second, Jurupa Valley asserts that Riverside did not fairly and in good faith evaluate Project alternatives, specifically undergrounding portions of the transmission lines and running the 230 kV transmission line along a different route to the east. Third, Jurupa Valley argues that Riverside impermissibly pre-committed to the Project as evidenced by statements made by RPU, CAISO's approval of the Project, Riverside's pre-selection of a preferred route, Riverside's Interconnection Facilities Agreement with Edison, Riverside's commitment

of funds to the Project, and decision to underground a portion of the 69 kV subtransmission line despite findings that it was infeasible.

As in other mandamus cases, we review the agency's action, not the trial court's decision. Our standard of review of the administrative record is the same as the trial court's standard. (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 427 (*Vineyard*).) We review legal errors, like pre-commitment, de novo. (*Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 131 (*Save Tara*).) We review the lead agency's factual determinations, like the agency's decision not to recirculate the Final EIR and choice of Project alternatives, for substantial evidence. (*Vineyard,* at p. 427; *Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1135 (*Laurel Heights II*); *In re Bay-Delta etc.* (2008) 43 Cal.4th 1143, 1161-1162 (*Bay-Delta*).) " 'Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached." ' [Citations.] Substantial evidence is not '[a]rgument, speculation, unsubstantiated opinion or narrative, evidence which is clearly inaccurate or erroneous, or evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment . . . . Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.' " (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184,1198, citing Pub. Resources Code, § 21082.2, subd. (c); Guidelines, § 15384, subds. (a) & (b). [1])

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[1] All references to "Guidelines" are to the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.). Courts "should afford great weight to the Guidelines except when a provision is clearly unauthorized or erroneous under CEQA." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn. 2 (*Laurel Heights I*).)

1. The Final EIR Did Not Require Recirculation

First, Jurupa Valley argues that Riverside failed to comply with CEQA because Riverside added significant new information to the Final EIR by altering the route of transmission lines in two places without re-circulating the Final EIR for public review, public comment, and responses to those comments.

"With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment." (*Laurel Heights I, supra,* 47 Cal.3d at p. 390.) "An EIR is an informational document which provides detailed information to the public and to responsible officials about significant environmental effects of a proposed project. [Citations.] It must contain substantial evidence on those effects and a reasonable range of alternatives . . . ." (*Goleta Union School Dist. v. Regents of University of California* (1995) 37 Cal.App.4th 1025, 1030.) When preparing an EIR, the lead agency must provide the draft EIR to the public and afford the public a period of time to review the draft EIR and submit comments. (Pub. Resources Code, § 21092; *Laurel Heights II, supra,* 6 Cal.4th at p. 1123.) The agency must then evaluate the public comments it receives and prepare a written response. (Guidelines, § 15088, subd. (a).) "The response to comments may take the form of a revision to the draft EIR or may be a separate section in the final EIR." (*Id*., subd. (d).) Given the requirement of providing written responses to public comments, "the final EIR will almost always contain information not included in the draft EIR." (*Laurel Heights II,* at p. 1124.)

CEQA requires notice and recirculation for public review and comment of an EIR when "significant new information is added" to the EIR after the public comment period has closed but before certification. (Pub. Resources Code, § 21092.1.) In *Laurel Heights II*, the Supreme Court concluded that "the addition of new information to an EIR after the close of the public comment period is not 'significant' unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a *substantial* adverse environmental effect of the project or a feasible way to mitigate or avoid such an

effect (including a feasible project alternative) that the project's proponents have declined to implement." (*Laurel Heights II, supra,* 6 Cal.4th at p. 1129.)

The Supreme Court explained: "recirculation is not required where the new information added to the EIR 'merely clarifies or amplifies [citations] or makes insignificant modifications in [citation] an adequate EIR.' [Citation.] On the other hand, recirculation is required, for example, when the new information added to an EIR discloses: (1) a new substantial environmental impact resulting from the project or from a new mitigation measure proposed to be implemented [citation]; (2) a substantial increase in the severity of an environmental impact unless mitigation measures are adopted that reduce the impact to a level of insignificance [citation]; (3) a feasible project alternative or mitigation measure that clearly would lessen the environmental impacts of the project, but which the project's proponents decline to adopt [citation]; or (4) that the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft was in effect meaningless [citation]." (*Laurel Heights II, supra,* 6 Cal.4th at pp. 1129–1130.)

At issue is whether two changes regarding the route of transmission lines constituted "significant new information" such that the EIR required recirculation pursuant to CEQA. The first change involved Riverside undergrounding a half-mile portion of a 69 kV subtransmission line located next to the airport due to safety risks to air traffic. The second change involved altering the route of the 230 kV transmission line to run along the backside of the Vernola Marketplace shopping center rather than through the shopping center's parking lot. We address each change to the EIR in turn.

a. Undergrounding a Half-Mile Portion of the 69 kV Subtransmission Line

Jurupa Valley contends that undergrounding the half-mile portion of the 69 kV line adjacent to the Riverside Airport created "new environmental impacts and a substantial increase in existing environmental impacts." Specifically, Jurupa Valley argues that undergrounding this small portion of 69 kV line would result in greater and new impacts to air quality, land use disturbance, traffic, noise, biology, water and hydrology, and economics that were not contemplated in the Draft EIR.

We disagree. The Final EIR demonstrated that undergrounding this half-mile stretch of subtransmission line would not have a new substantial environmental impact or a substantial increase in the severity of an environmental impact. As to the construction associated with undergrounding, the Final EIR indicates that the Draft EIR had already considered and accounted for the environmental impacts associated with 60 days of underground construction a 69 kV subtransmission line in anticipation of a possible scenario where a portion of one such line required undergrounding. The Final EIR explicitly stated:

> "Construction estimates presented in the DEIR included a contingency for up to 60 days of underground construction work for the 69 kV subtransmission line between RERC and Harvey Lynn/Freeman Substations. This contingency was based on design assumptions that included 'worst-case' project planning and allowed for a very conservative over-estimate of analyzed air quality emissions to be presented in the DEIR. As a result, mitigative undergrounding stipulated by [the Airport Land Use Commission] and other modifications did not require additional air quality analysis, because project changes and their associated air emissions changes were already captured within the original analysis boundaries."

Table 2.5-2 within the second chapter of the Draft EIR accounts for the construction impacts associated with the 60 days of undergrounding a 69 kV line. The environmental analysis in Chapter Three of the Draft EIR also accounts for this "worst-case" scenario. In discussing emissions, Chapter Three of the Draft EIR similarly stated that it analyzed "worst case emissions resulting from [the] Proposed Project construction and assume[d] that the peak emitting construction activities from each construction location occur on the same day." The EIR stated that with mitigative measures, including staggering the construction work, the emissions were reduced to insignificant levels.

The Final EIR indicates that the construction associated with a half-mile of undergrounding the 69 kV could be accomplished within the 60 days of undergrounding allotted in Draft EIR. Because the Draft EIR already accounted for the environmental impacts associated with undergrounding the transmission line adjacent to the airport, the construction related to this change to the EIR did not result in a new substantial

environmental impact or a substantially increased environmental impact. This aspect of the EIR did not require recirculation.

In addition, the Final EIR indicated that post-construction, the underground 69 kV subtransmission line would not cause additional or increased environmental impacts. The Final EIR explained that the cables used for undergrounding would not cause any significant environmental impact because they "cannot leak fluids into the surroundings, if damage to cables occur." The Final EIR stated that there would not be a permanent land disturbance caused by undergrounding, and that aesthetic impacts would be less than significant because the line would be below ground. Contrary to Jurupa Valley's contentions, there would be no impact to "waters or wetlands because the undergrounding would occur within disturbed areas and existing road [right of ways]." Most importantly, the Final EIR reported that undergrounding the small stretch of subtransmission line would eliminate a previously significant danger to air traffic. Thus, having this particular portion of subtransmission line underground reduced aesthetic impacts, reduced airplane safety impacts, and did not result in new or increased impacts to the environment.

In sum, the administrative record provides substantial evidence supporting Riverside's determination that recirculation was not required because this minimal amount of undergrounding did not result in a new substantial environmental impact or a substantial increase in the severity of an environmental impact.

b. Rerouting the 230 kV Behind Vernola Marketplace Shopping Center

Jurupa Valley also contends that a minor change in the placement of the 230 kV transmission line to avoid interference with the Vernola Marketplace shopping center parking lot will cause "substantial increase in traffic impacts" and that this modification required recirculation of the Final EIR. The Draft EIR planned for the 230 kV transmission line to run through the Vernola Marketplace parking lot. In response to public comment, including comments from Vernola Marketplace's owner who requested a modified route, Riverside reevaluated the original route through the parking lot and determined that "a minor routing refinement" was feasible, and would avoid or reduce

ground disturbance, interference with roadways, and aesthetic impacts. Thus, the Final EIR shifted the transmission line's route so that it ran along the backside of the Vernola Marketplace.

Jurupa Valley relies heavily on the Final EIR's statement that as a result of construction, "high traffic impacts" would occur on Limonite Avenue in arguing that Riverside was required to recirculate. Yet, these traffic impacts were already anticipated by the Draft EIR. Prior to rerouting the 230 kV line, the Draft EIR stated that "Construction of the 230 kV transmission line would create temporary impacts along approximately 0.4 miles of the transmission line route at Limonite Avenue and the Vernola Marketplace shopping center parking lot south of Limonite Ave. Temporary lane closures, detours and stoppages of traffic that may occur during construction activity are expected to create transportation operation impacts, such as fewer travel lanes, an increase in travel time, reduced speeds or stoppage of travel for motorists . . . entering, exiting and traveling within the shopping center parking lot." The Draft EIR stated that these potential temporary traffic impacts would be less than significant when mitigation measures were implemented.

The Final EIR indicated that the minor route modification of the 230 kV line would not change the fact that the transmission line would still cross Limonite Avenue, and that its construction would impact Limonite Avenue as set forth in the Draft EIR. The Final EIR reiterated much of the quoted language in the above paragraph, stating that: "[t]emporary lane closures, detours, and stoppages of traffic that may occur during construction activity are expected to create transportation operation impacts, such as lane reduction, delays in travel time, reduced speeds, or stoppage of travel for motorists." The Final EIR further stated that "[w]ith the proposed realignment of the 230 kV transmission line west of Vernola Marketplace, high traffic impacts on Limonite Avenue are anticipated in the vicinity of the northbound I-15 on- and off-ramps instead of the shopping center entry/exit points; however, the approximate length of Limonite Avenue would be affected by this realignment."

The Final EIR clearly indicated that traffic impacts on Limonite Avenue have not changed in a significant degree through this minor route alteration. Both the Draft and Final EIRs concluded that implementation of mitigation measures would reduce the traffic impacts to less than significant levels. Moreover, the Final EIR stated that this route change would reduce the length of the 230 kV transmission line, the amount of severe angles in the transmission line, total overhead structures, the number of lattice towers, and construction air emissions.

Thus, substantial evidence supported Riverside's decision not to recirculate the EIR as this change did not result in a new or a substantially increased environmental impact. Rather, this revision to the EIR reduced environmental impacts. We conclude that Riverside did not include significant new information in the Final EIR requiring recirculation.

2. Riverside Sufficiently Analyzed Project Alternatives

Jurupa Valley asserts that Riverside did not fairly and in good faith evaluate two Project alternatives: undergrounding portions of the transmission lines and running the 230 kV transmission line along a different route to the east. "The core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564 (*Goleta*).) "CEQA requires that an EIR, in addition to analyzing the environmental effects of a proposed project, also consider and analyze project alternatives that would reduce adverse environmental impacts." (*Bay-Delta, supra,* 43 Cal.4th at p. 1163.) The Guidelines mandate that the EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." (Guidelines, § 15126.6, subd. (a).)

"In determining the nature and scope of alternatives to be examined in an EIR, the Legislature has decreed that local agencies shall be guided by the doctrine of 'feasibility.' " (*Goleta, supra,* 52 Cal.3d at p. 565.) " 'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into

account economic, environmental, social, and technological factors." (Pub. Resources Code, § 21061.1.) "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent). No one of these factors establishes a fixed limit on the scope of reasonable alternatives." (Guidelines, § 15126.6, subd. (f)(1).)

"There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason." (Guidelines, § 15126.6, subd. (a).) Pursuant to the rule of reason, the EIR must "set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project." (Guidelines, § 15126.6, subd. (f).) " 'The discussion of alternatives need not be exhaustive . . . .' [Citation.] CEQA 'does not demand what is not realistically possible, given the limitation of time, energy and funds, "Crystal ball" inquiry is not required.' " (*Saltonstall v. City of Sacramento* (2015) 234 Cal.App.4th 549, 583.)

"The process of selecting the alternatives to be included in the EIR begins with the establishment of project objectives by the lead agency. 'A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings . . . . The statement of objectives should include the underlying purpose of the project.' " (*Bay-Delta, supra,* 43 Cal.4th at p. 1163.)

Here, Riverside's Project goals were to provide an additional point of delivery for bulk power to Riverside's electrical system in order to reliably meet the system's present load and future growth, to upgrade the subtransmission electrical system, to minimize environmental impacts, and to build this new transmission system in a cost-effective manner. The Draft EIR sets forth a detailed explanation about the infeasibility of undergrounding and of constructing within the Eastern Route in the context of these objectives.

a. Undergrounding the Transmission Lines

Jurupa Valley contends that Riverside failed to "realistically and fairly entertain the possibility of undergrounding a portion of the transmission lines." Jurupa Valley asserts that this failure is evidenced by Riverside's initial determination that undergrounding was not feasible for any of the Project and Riverside's subsequent conclusion that it was feasible to underground a half-mile portion of transmission line adjacent to the airport in order to prevent dangerous obstructions within the flight patterns of local air traffic. Jurupa Valley argues that Riverside's decision to underground a short segment of the 69 kV line to ensure aircraft safety demonstrated that undergrounding was a viable option for the Project. We disagree as substantial evidence supported Riverside's determination that undergrounding was infeasible for the Project, with the minor exception of the half-mile of subtransmission line adjacent to the airport.

The EIR explicated that despite the aesthetic benefit associated with not having the overhead transmission lines running through the community, undergrounding would nonetheless cause visual degradation of the landscape due to the necessary removal of vegetation for transmission line installation and maintenance, and for the creation of transition sites where lines would move from below to above ground. In addition, underground transmission line construction would create greater emissions, increase traffic, and disturb more habitats through the arduous and time-consuming process of trenching the transmission lines. Undergrounding also would increase the likelihood of damaging existing utility lines while trenching.

In addition to these concerns, constructing underground transmission lines is substantially more expensive than overhead transmission line construction. Undergrounding shorter lengths of transmission line can cost between 10 to 20 times more than construction for overhead lines due to expenses associated with trenching and the installation of more numerous transition structures. Even when undergrounding longer lengths of transmission line, the cost of undergrounding "would still be expected to be many times more costly than overhead" because the transmission line route is not linear as it was designed to avoid environmental impacts and land use incompatibilities. Due to the many angles in the route, the transmission line would require specially designed structures to maintain its tension if undergrounded.

Moreover, maintaining underground lines would be more arduous due to the vulnerabilities associated with their subterranean location and the limited physical accessibility of the lines. While typically unaffected by weather conditions, the underground transmission lines "are vulnerable to cable/splice failure, washouts, seismic events, and incidental excavation." In comparison to the several hours it typically takes to locate and repair overhead line outages, electrical outages for underground lines "generally last days or weeks while the problem is located, excavated, and repaired." These longer outages "can have an effect on human health and safety, as well as lost production or spoiled food items. For example, the ability to refrigerate food and to maintain medical equipment, homes, commercial businesses, and industrial customers requires reliable power." The Draft EIR explained how these undergrounding concerns applied to both the 230 kV and 69 kV lines.

Based on the foregoing, substantial evidence supports Riverside's conclusion that undergrounding was infeasible for the Project as it failed to meet Riverside's Project objective of building a reliable, cost effective second transmission system with as few environmental impacts as possible. Riverside only opted to permit a half-mile of undergrounding adjacent to the airport to eliminate a significant, life-threatening hazard to air traffic entering and exiting the airport. The record indicates that Riverside solely made this exception out of an absolute necessity to protect the public. This minor

exception does not support Jurupa Valley's assertion that Riverside did not fairly and in good faith consider undergrounding for the remainder of the Project.

"CEQA's only purpose is to guarantee that the public and the agencies of the government will be *informed* of environmental impacts, that they will *consider* those impacts before acting, and that insofar as practically possible, *feasible* alternatives and mitigation measures will be adopted to lessen or avoid adverse environmental impacts." (*San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 695.) The record shows that Riverside's consideration and rejection of undergrounding met these objectives. The EIR makes it evident that the sole benefit to be obtained from undergrounding was aesthetic and that undergrounding increased environmental impacts and was considerably more costly. Substantial evidence thus supports Riverside's rejection of undergrounding as an infeasible alternative for the rest of the Project.

b. The Eastern Route

In addition, Jurupa Valley argues that Riverside improperly rejected the Eastern Route as an infeasible Project alternative. Riverside initially considered the Santa Ana River East Corridor as a potential route for the 230 kV transmission line and analyzed this alternative route in the June 2006 Siting Study for the Project. That review ascertained that construction of the Eastern Route would exacerbate public safety risks and unnecessarily jeopardize natural resources. Riverside described these issues in a four-page text summary and a chart in the Draft EIR. Riverside also provided additional details in the Final EIR in Master Response #10 Alternatives to Comment, and in additional responses from staff during the administrative process. We discuss Riverside's findings in detail below and conclude that substantial evidence supported Riverside's conclusion that the Eastern Route was not feasible because it failed to satisfy the Project objectives and posed a public safety risk.

i. *Structural and Safety Concerns*

As explained by the Draft EIR, the Eastern Route was infeasible because it required transmission line structures to be placed inside an existing flood control right-of-way, near existing levees. Riverside determined that if placed in this location, the transmission line structures created potential "unavoidable constructability issues" and "operational impacts to . . . levee structural integrity." Since much of the land adjacent to the Santa Ana River corridor had already been developed, a large number of the Eastern Route 230 kV line structures would have to be installed along the edge of the river corridor, directly within the river's 100-year flood zone. Approximately 40 structures would be located in the 100-year flood zone, and an additional seven others in the 500-year flood zone. Large floods would render the transmission lines inaccessible and possibly wash out or cause the collapse of live transmission lines into water. The Eastern Route would jeopardize the reliability of the transmission line and possibly create serious safety hazards.

The Siting Study determined that an alternate route along the eastern river corridor was not available, as the agencies that control the higher ground along the river indicated that they would not permit installation of the transmission infrastructure on their land. Riverside would be required to install other structures, like damns, levees, or other berms, in order to install the transmission lines along the river corridor. This would result in extensive and detrimental environmental impacts and alterations to the existing flood plain. The geotechnical study performed by Edison further indicated that installing this infrastructure to support the transmission lines within the river corridor would expose more transmission towers to higher risks of liquefaction, flooding, erosion, and slope instability than the other alternatives analyzed in the EIR. From a structural perspective, the Eastern Route was simply infeasible and impractical, and pursuing it would be contrary to the Project objectives.

Jurupa Valley argues that these same challenges described with regard to the Eastern Route are also present with the proposed Project route as it crosses the Santa Ana River. As explained above, the Eastern Route involved structures running along and periodically crossing the river due to residential development in the area. In contrast, the proposed route would only cross the river once at a 90-degree angle with a single span of conductor. In making that crossing, the proposed route places only five structures in the 100-year flood plain, in comparison to the Eastern Route's 40 structures within the flood plain. We conclude that Jurupa Valley's argument regarding the comparability of safety and structural risks between the proposed route and the Eastern Route lacks factual support. As explained above, the structural instability and related public safety concerns alone render the Eastern Route infeasible.

ii. *Environmental Impacts*

Substantial evidence also supports Riverside's conclusion that the Eastern Route was infeasible due to the great environmental impacts that it would create. The Eastern Route would cause greater impacts to biological resources, including sensitive species, habitats, and wetlands than would be caused by the proposed route. The Eastern Route corridor contains habitats that support 14 special status wildlife species and 16 sensitive plant species, several of which would not be impacted in the proposed route. The corridor would sustain losses to plant and animal life as a result of transmission line construction activities.[2] The Eastern Route would also impact sensitive habitat resources, including areas specially earmarked for habitat conservation and identified wetlands. The Eastern Route would thus create greater biological environmental impacts than the proposed route.

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[2] To the extent that Jurupa Valley argues that Riverside admits biological studies were not conducted, the record indicates otherwise. Riverside's biologist performed several surveys in the Eastern Route corridor for several special status species, including the Burrowing Owl, Least Bell's vireo, Southwestern Willow Flycatcher, Western Yellow-Billed Cuckoo, and Delhi Sands Flower-Loving Fly.

In addition, the transmission lines within the Eastern Route would extend past the Western Riverside County Multiple Species Habitation Conservation Plan territory and enter other counties. The transmission line's route through the adjacent counties would require additional biological studies and consultation with the United States Fish and Wildlife Service in order to proceed with construction, resulting in substantial delays to the Project. Based on these concerns, the Eastern Route also failed to satisfy the Project's timing objectives.

Riverside also determined that the Eastern Route would create aircraft hazards, impact existing land uses, and diminish cultural resources. The Eastern Route 230 kV transmission lines would be located less than half a mile from the Flabob Airport, where the transmission lines would pose a danger to low-flying aircraft. The Eastern Route transmission lines would traverse as many as six city or county parks and other park district land, resulting in greater impacts to lands dedicated for recreation purposes than the impacts within proposed route. The Eastern Route would also visually impact and possibly diminish the cultural value of several California Historic Landmarks, two properties listed on the National Register of Historic Places, and four historically distinct neighborhoods (two with historically important architecture) by introducing highly visible, modern structures into the area.

Aesthetically, the Eastern Route would generate greater impacts than the proposed route. The proposed route contains one perpendicular crossing of the Santa Ana River. In contrast, the Eastern Route would parallel the river for several miles along an established hiking trail, and likely cross the river multiple times due to existing residential development along the corridor. The installation of overhead transmission lines into this area would impair the river views from the nature trail and the surrounding neighborhoods.

The Eastern Route thus failed to satisfy the Project's objective of minimizing environmental impacts. As explained above, Riverside need only discuss alternatives that would avoid or substantially lessen any of the significant effects of the Project. Substantial evidence indicates that the Eastern Route could not satisfy this threshold

requirement for inclusion in the EIR as an alternative. Further discussion of the Eastern Route alternative was not necessary for Riverside to engage in a reasoned, informed analysis of the Project.

Jurupa Valley likens Riverside's rejection of the Eastern Route to the lead agency's superficial rejection of alternative locations in *Laurel Heights I, supra,* 47 Cal.3d at page 404, asserting that Riverside's investigation of the Eastern Route was insufficient because it was done during Riverside's internal planning process. In *Laurel Heights I*, the lead agency analyzed the environmental impacts associated with the relocation of a university biomedical research facilities to a newly acquired building in a residential area. (*Id*. at pp. 388-389.) The Supreme Court concluded that the agency's "treatment of alternatives was cursory at best." (*Id*. at p. 403.) Within a scant one and one-half pages of the 250-page EIR, the agency "stated the obvious conclusion that the 'no project' alternative, i.e., no relocation to Laurel Heights, would not have the environmental effects identified in the EIR. It then stated in a mere two-sentence paragraph that ' . . . no alternative sites on . . . campus were evaluated as possible candidates for the location of the basic science units of the School of Pharmacy.' " (*Ibid*.) The EIR similarly concluded that there were no sites off-campus that could accommodate the facility. (*Ibid*.) The Supreme Court stated that this was "merely an admission that such alternatives were not considered," and opined that "[i]t defies common sense for the Regents to characterize this as a *discussion* of any kind; it is barely an *identification* of alternatives, if even that." (*Ibid*.)

Laurel Heights I is incongruent to the facts before us. Contrary to Jurupa Valley's contentions, Riverside engaged in meaningful analysis of the alternatives and comprehensively informed the public of its findings within the Draft EIR. Riverside performed its duties as lead agency in scoping the Project and its alternatives prior to the creation of the Draft EIR. (*Goleta, supra,* 52 Cal.3d at p. 569 ["The local agency . . . must make an initial determination as to which alternatives are feasible and merit in-depth consideration, and which do not. [Citation.] In California, this screening process is known as 'scoping.' (See Guidelines, § 15083, subd. (a) ['Scoping has been

helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.'].)"].) Riverside properly described why it rejected these two alternatives in the Draft EIR and provided the public with the multiple studies on which it based its decision. (*Goleta,* at p. 569 [" 'But where potential alternatives are not discussed in detail in the [EIR] because they are not feasible, the evidence of infeasibility need not be found within the [EIR] itself. Rather a court may look at the administrative record as a whole to see whether an alternative deserved greater attention in the [EIR].' "].)

Notably, "CEQA requires neither that the EIR be perfect, nor that the analysis be exhaustive. . . . [C]ourts do not ' "pass upon the correctness of the EIR's environmental conclusions, but only upon its sufficiency as an informative document." [Citation.]' [Citation.]" (*City of Long Beach v. Los Angeles Unified School Dist.* (2009) 176 Cal.App.4th 889, 922.) We conclude that this EIR was sufficiently informative regarding the rejection and investigation of the Project alternatives. We hold that substantial evidence supported Riverside's elimination of undergrounding and the Eastern Route as viable alternatives.

3. Substantial Evidence Supports the Court's Determination that Riverside Did Not Pre-Commit to the Project

Jurupa Valley argues that Riverside impermissibly pre-committed to the Project as evidenced by statements made by RPU, Riverside's commitment of funds to the Project, Riverside's pre-selection of a preferred route, CAISO's approval of the Project, Riverside's Interconnection Facilities Agreement with Edison, and Riverside's decision to underground a portion of the 69 kV subtransmission line despite findings that undergrounding was infeasible.

a. Routine Project Planning Does Not Constitute Pre-Commitment

Jurupa Valley asserts that RPU's statements about the Project, Riverside's budgeting for the Project, and Riverside's Project definition demonstrate that Riverside pre-committed to the Project. The statements and conduct at issue are routinely made and performed during the planning process and do not establish pre-commitment.

To show pre-commitment, Jurupa Valley must prove that Riverside approved the Project before engaging in environmental review. (*Cedar Fair, L.P. v. City of Santa Clara* (2011) 194 Cal.App.4th 1150, 1160-1161 (*Cedar Fair*); Pub. Resources Code, §§ 21061, 21151; Guidelines, § 15004(a).) Approval in this context "means the decision by a public agency which commits the agency to a definite course of action in regard to a project intended to be carried out by any person. . . . Legislative action in regard to a project often constitutes approval." (Guidelines, § 15352, subd. (a).) Public agencies are barred from "tak[ing] any action which gives impetus to a planned or foreseeable project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of that public project." (Guidelines, § 15004, subd. (b)(2)(B).) In determining whether the agency has impermissibly pre-committed to the project, "the critical question is 'whether, as a practical matter, the agency has committed itself to the project as a whole or to any particular features, so as to effectively preclude any alternatives or mitigation measures that CEQA would otherwise require to be considered, including the alternative of not going forward with the project. (See [Guidelines], § 15126.6, subd. (e).)' " (*Cedar Fair at p.* 1170, citing *Save Tara, supra,* 45 Cal.4th at p. 139.)

i. *RPU's Statements About the Project*

First, Jurupa Valley asserts that in 2006, Riverside and RPU made statements showing pre-commitment to the Project. One set of statements was made by RPU in a RPU Board Memorandum, dated January 20, 2006. There, RPU stated that "[a]pproval is required for . . . procuring the necessary services to continue development of the 220 kV Upgrade Project." RPU also stated: "It is planned that the authorization to construct will be granted by the City Council, acting as the Lead Agency in the [CEQA] process." The

other statement Jurupa Valley relies on to prove pre-commitment is within another RPU Board Memorandum dated February 17, 2006, where RPU stated: "As was outlined in the January 20 presentation to the Board, this project must move forward in order to meet customer energy needs."

These statements made by RPU did nothing more than express that the Project required approval by City Council in the future. RPU's memorandums did not legally bind Riverside to any particular course of action, particularly because RPU lacked the authority to commit Riverside to the Project, which required City Council approval. Moreover, these statements cannot reasonably be construed as legally binding Riverside to move forward with the Project absent environmental review.

ii. *Riverside's Budgeting of the Project*

Second, Jurupa Valley asserts that Riverside's Capital Improvement Plan (CIP) demonstrated that "significant funds already were committed to the Project in advance of any objective environmental review." We disagree because the CIP was a planning document intended to project the City's capital needs through fiscal year 2015/2016. The CIP's statements regarding projections of funds for various projects is not an approval of any project: the CIP expressly states that its adoption "does not signal appropriation of funds." In a letter from the to the Mayor and City Council accompanying the transmittal of the CIP, the City Manager confirmed that "the CIP [was] a planning document and does not directly appropriate funds."

Jurupa Valley mischaracterizes the CIP in stating that Riverside has committed over $92 million to the Project. First, based on the plain reading of the document, the 2009/2010 through 2013/2014 projection of $16.0 million of City Funds for the Project was not an allocation; it was a projection for planning purposes. The document does not indicate that such funds were ever allocated to the Project. Second, the 2007/2008 capital plan's appropriation of $90.2 million was allocated not just to the Project, but also to another electricity project called the Sub-Transmission Project. It is unclear how much of the $90.2 million was allocated to the Project. Nonetheless, it appears that the CIP halted making projected allocations for the Project when the Project became delayed in the

permitting and licensing phase. Such conduct indicates that Riverside is not pre-committed and is not indifferent to the necessity for review and permitting of the Project.

Furthermore, such fiscal planning and budgeting of projections do not constitute pre-commitment as they do not require Riverside to build the Project. "[W]hen an agency proposes to adopt 'a mechanism for funding proposed projects that may be modified or not implemented depending upon a number of factors, including CEQA environmental review,' no commitment to the projects has been made" (*City of Santee v. County of San Diego* (2010) 186 Cal.App.4th 55, 59.) Rather such activities are consistent with CEQA's directive that the planning and environmental review occur concurrently to the fullest extent possible. (Guidelines, § 15004, subd. (c).) We thus conclude that Riverside's budgeting and financial planning activities in this context do not evidence pre-commitment.

iii. *Project Definition*

Third, Riverside's Project definition also failed to show pre-commitment. Jurupa Valley argues that by "selecting a preferred option to build a new high-voltage power line at the outset, Riverside placed significant bureaucratic weight behind this decision and thereby demonstrated its pre-commitment to the Project." Jurupa Valley asserts that "the Project could have been adequately defined and evaluated as a project to increase the electrical capacity in Riverside."

It is well established that "[o]nly through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative), and weigh other alternatives in the balance." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193 (*County of Inyo*).) To achieve this, the EIR must "adequately apprise all interested parties of the true scope of the project for intelligent weighing of the environmental consequences." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454–1455.) "An accurate, stable and finite project description is the *sine qua non* of an informative and

legally sufficient EIR." (*County of Inyo,* at p. 193; Guidelines, § 15004, subd. (b) [the EIR should provide "meaningful information for environmental assessment"].)

Riverside's decision to define the Project as a new high-voltage power line delineated the scope of the Project and allowed the public and Riverside to engage in meaningful analysis and consideration of its environmental impacts. All parties involved were able to identify the location of the Project, the extent of the Project, and the environmental impacts of it. The identification of this high-voltage power line as the Project was indispensible to successful environmental review. Jurupa Valley's proposed project definition is too broad and indefinite to afford the public and Riverside adequate environmental review. Had the Project been defined as "a project to increase the electrical capacity in Riverside," it would be entirely unclear what was to be constructed, where it was to be placed, how the environment would be impacted, and who would be affected by it. Such a definition is too unstable and evasive of environmental review. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656 ["when an EIR contains unstable or shifting descriptions of the project, meaningful public participation is stultified. 'A curtailed, enigmatic or unstable project description draws a red herring across the path of public input.' "].)

Simply defining the Project based on studies conducted in the planning process leading up to the creation of an EIR does not constitute pre-commitment. As the lead agency, Riverside was tasked with defining the Project so that appropriate environmental review could ensue. Riverside successfully accomplished this task. We therefore conclude Riverside's identification of the high-voltage power line did not constitute pre-commitment.

In sum, these routine project planning activities, which involve discussing the Project with the RPU Board, budgeting for the Project, and defining the Project, separately and together do not evidence pre-commitment as they are necessary and routine to achieving CEQA compliance.

b. Obtaining Approval from CAISO and FERC Did Not Constitute Pre-Commitment

Jurupa Valley argues that Riverside's interaction with CAISO and Federal Energy Regulatory Commission (FERC) during project planning establish Riverside's pre-commitment. As a practical matter, CAISO and FERC approval were essential for planning the Project as described below.

i. *CAISO's Approval*

Jurupa Valley argues that CAISO's direction to Edison in June 2006 to build a new connection between Edison's grid and the City of Riverside constitutes pre-commitment by Riverside. Jurupa Valley misconstrues CAISO's relationship with the parties and the significance of CAISO's directions to Edison in making this argument. As mentioned in our description of the facts of this case, CAISO is the independent electrical grid operator for approximately 80% of California's power grid. Here, Edison owns the portion of the power grid at issue (and would own part of the project's facilities) and CAISO operates Edison's facilities. Edison worked in conjunction with Riverside and RPU to develop and scope the Project to create new facilities to service Riverside. Nonetheless, Edison must work with CAISO as CAISO would operate the Edison facilities and as the Project would alter CAISO's operations.

Jurupa Valley essentially argues that the relationship between Edison and CAISO and CAISO's approval of Edison's plans to extend the grid result in Riverside's pre-commitment. Jurupa Valley relies on a quote from a memorandum regarding the Project's history, which states: "At a June 2006 [CAISO] Board of Governors meeting, the CAISO concluded that the proposed interconnection was needed and directed [Edison] to build the proposed [Riverside Transmission Reliability Project] as soon as possible and preferably no later than June 30, 2009." At that meeting, the CAISO Board specifically gave its approval as to one of three options considered by Edison and Riverside for the Project. Jurupa Valley argues that "by seeking and obtaining CAISO's approval so early on, SCE and Riverside were pigeonholed into constructing the proposed . . . Project" in accordance with the option approved of by CAISO, i.e. "looping

the existing Mira Loma-Vista #1 230 kV line by building 8.25 miles of new 230 kV double circuit transmission line from the existing Mira Loma-Vista #1 T/L ROW to a new 230 kV [Edison] interconnection facility with RPU's new Jurupa Substation in Riverside."

We conclude that Edison's consultation with CAISO does not commit Riverside to the Project prior to environmental review. Obtaining CAISO's approval to operate this proposed addition to the grid is an issue for Edison, which would own part of the new facilities, to address, and would affect how Edison would operate the Project facilities if they were ever to be constructed. As pointed out by the superior court, CAISO has no authority to mandate action by Riverside: Edison owns CAISO-controlled facilities, not RPU or Riverside. Edison cannot unilaterally commit Riverside, the lead agency, to the Project simply by discussing and obtaining approval from CAISO regarding its preference.

ii. *FERC Approval and the Interconnection Facilities Agreement*

Jurupa Valley asserts that Riverside pre-committed to the Project by entering into the Interconnection Facilities Agreement with Edison. Jurupa Valley argues: "In the Interconnection Facilities Agreement, [executed in 2009,] Riverside and SCE agreed upon specific terms and obligations, including, *inter alia*, engineering, design, and construction duties; maintenance obligations; operating duties and procedures; modifications to facilities; the allocation of costs; metering parameters; and billing and payment procedures between Riverside and SCE. . . . The Interconnection Facilities Agreement between Riverside and SCE sets out extensive details that go far beyond the basic or general terms for planning purposes; instead, the Interconnection Facilities Agreement further demonstrates Riverside's pre-commitment to the Project."

Jurupa Valley mischaracterizes the Interconnection Facilities Agreement and fails to recognize its purpose in the planning process. Riverside and Edison executed the Agreement and submitted it to FERC for approval, describing the services to be provided by Edison pursuant to the Transmission Operator Tariff (the rate to be charged for electricity). The FERC is "the federal agency charged with regulating transmission and

sale of electric energy for resale in interstate commerce." (*In re Electric Refund Cases* (2010) 184 Cal.App.4th 1490, 1493.) "The Federal Power Act governs the transmission and wholesale sales of electrical energy in interstate commerce. [Citation.] Pursuant to its authority under the FPA, FERC has exclusive jurisdiction over interstate wholesale power rates. [Citations.] The FPA requires that all rates for the transmission and sale of wholesale electricity be filed with FERC and published for public review. [Citation.] FERC is obligated to ensure that wholesale power rates are 'just and reasonable,'[citation], and applied in a non-discriminatory manner, [citations]." (*California ex rel. Lockyer v. FERC* (9th Cir. 2004) 383 F.3d 1006, 1011.) Here, FERC's approval was an essential threshold issue for the Project and was decisive as to Edison's ability to provide Riverside with power.

In order to obtain FERC approval, the Interconnection Facilities Agreement set forth the parties' basic obligations to each other in the event the Project was built. However, the Agreement does not require the Project to be built in a certain way or at all. The Agreement clearly acknowledges the necessity for CEQA compliance and analysis. The Agreement provides that "environmental impact studies" will be completed for the Project; that "Riverside will act as a lead [CEQA] agency;" and that Riverside will "perform the necessary environmental review as required by CEQA." The Agreement references the requirement to complete CEQA review multiple times, and anticipates that Riverside's reimbursement for expenditures associated with the Project is conditioned on CEQA review. Most importantly, the Agreement does not obligate Riverside to approve the Project and does not foreclose any alternatives or mitigation measures.

In *Cedar Fair,* the appellate court considered whether adoption of a term sheet constituted an approval of a project. The term sheet in *Cedar Fair* was a 39-page document that included extensive details concerning a proposal to develop a football stadium complex for the San Francisco 49ers in Santa Clara. (*Cedar Fair, supra,* 194 Cal.App.4th 1150, 1167 at p. 1169.) The appellate court concluded the city's approval of the term sheet did not trigger CEQA, despite the large amount of money already invested by the redevelopment agency and the term sheet's high level of detail.

(*Id*. at pp. 1167-1173.) As the court explained, "although the term sheet is extremely detailed, it expressly binds the parties to only continue negotiating in good faith." (*Id*. at p. 1171.) The term sheet "merely 'memorialize[d] the preliminary terms' and only mandate[d] that the parties use the term sheet as the 'general framework' for 'good faith negotiations.' " (*Id*. at p. 1170.) Under the term sheet, the city and redevelopment agency expressly retained its sole discretion under CEQA, including deciding not to proceed with the project. (*Ibid*.)

Likewise here, although the Interconnection Facilities Agreement contains great detail regarding the parties' obligations to each other, these obligations are perspective and dependent on Riverside's independent CEQA review. Riverside was not obligated to approve the Project or forego Project alternatives and mitigation measures pursuant to the Agreement. We thus conclude that the Agreement did not commit Riverside to the Project.

c. Modifications to the Project in Response to Public Comment Show that Riverside Did Not Pre-Commit

Lastly, Jurupa Valley argues that "Riverside pre-committed to the Project as evidenced by its willingness to contradict its own findings and the evidence in the administrative record in order to push the Project forward" when it decided to underground the half-mile of 69 kV subtransmission line adjacent to the airport. As explained in preceding sections, Riverside chose to underground a very small portion of sub-transmission line out of necessity to ensure the safe passage of air traffic in the area adjacent to the airport. Riverside found that undergrounding this small section of subtransmission line would not cause an increased or new, significant environmental impact based on the Draft EIR's previous anticipation of minor undergrounding in its analysis of the construction impacts, Riverside's choice of undergrounding materials, and the location of the proposed undergrounding. We conclude that the decision to underground a small portion of subtransmission line does not evidence Riverside's willingness to "push forward with the project." Riverside clearly considered the serious implications of undergrounding and of the public safety hazard posed by overhead

subtransmission lines next to the airport. Riverside found that as to this particular stretch of transmission line, undergrounding was appropriate as it caused no new or increased environmental impacts and eliminated a serious safety hazard from the Project.

Contrary to Jurupa Valley's assertions, Riverside's willingness to make modifications to the Project in response to public comment indicates that Riverside thoughtfully engaged and responded to public comment and made informed decisions, consistent with CEQA's objectives. (See *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco, supra,* 102 Cal.App.4th at p. 695 [stating that CEQA's purpose is to guarantee that the public and the decision makers are fully informed of the environmental impacts, and that feasible alternatives and mitigation measures are adopted to lessen or avoid adverse impacts].) We conclude that the allegedly impermissible acts argued by Jurupa Valley failed to individually or collectively establish pre-commitment.

DISPOSITION

The judgment is affirmed. Defendants and Respondents City of Riverside and the Riverside Public Utilities Department, and Real Party in Interest and Respondent Southern California Edison are awarded their costs on appeal.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

JONES, J. *

We concur:

EDMON, P. J.

ALDRICH, J.

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* Judge of the Los Angeles Superior Court, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.

DECLARATION OF HUNLY CHY

DECLARATION OF HUNLY CHY

I, Hunly Chy, declare that:

1. I am currently employed by Southern California Edison Company (SCE) as a Senior Manager in SCE's Wildfire Safety Department. My business address is 1 Innovation Way, Pomona, CA. I have been employed by SCE for 18 years. My responsibilities include developing the strategy to harden SCE's electric systems for wildfire mitigation. I am accountable for the risk prioritization of covered conductor and targeted undergrounding program to harden the electric grid, and ensure that work are appropriately risk informed. My duties include providing leadership and support on regulatory filing such as the Wildfire Mitigation Plan and the General Rate Case. In prior roles, I was the Manager of Linear Asset Engineering where I was responsible for the development of strategies and standard for overhead conductor and underground cable. Prior to that I was a senior engineer responsible for underground transmission projects such as the underground portion of the RTRP and the Chino Hills 500 kV underground. Pursuant to Rule 16.4(b) of the California Public Utilities Commission Rules of Practice and Procedure, I submit this Declaration in support of *Southern California Edison Company's (U 338-E) Response To The Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project* (the "PFM Response") being filed by SCE in Application 15-04-013.
2. I provided technical and consultation support to the Riverside Transmission Reliability Project ("RTRP") project team in my role as a Senior Manager of Grid Hardening Strategy from November 2021 to present. In this role, I have reviewed and advise on the

project's wildfire risk. In my prior role as an engineer between 2005 to 2016, I provided technical design for the RTRP by performing feasibility studies and preliminary design on the underground portion of the projects.

3. In my work with fire safety and grid hardening I routinely review information compiled by SCE about ignition events in which SCE distribution or transmission infrastructure ignite a fire of any size. Ignition events that travel at least one linear meter from our facilities are reported to the CPUC. As of this date, less than one percent of SCE's total ignition events reported to the CPUC between 2019 and September of 2023 have been determined to be associated with 230 kV transmission lines.
4. I am also familiar with the automatic shutoff mechanism proposed for the RTRP Project. The automatic shutoff mechanism proposed for the Project consists of high-speed protection to quickly deenergize and isolate the transmission line. This typically occurs within 4 cycles, or about 0.0667 seconds. This is different from the type of automatic shutoff mechanisms used for distribution level infrastructure, which typically may require up to two seconds to operate.
5. I have personal knowledge of the information set forth in this Declaration, and if called as a witness, I could and would competently testify thereto.
6. I supervised preparation of the materials referenced herein.
7. Insofar as the information referenced in this Declaration is factual in nature, I believe it to be correct.
8. Insofar as this material is in the nature of opinion or judgment, it represents my best judgment.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 31st day of October, 2023, at Pomona, California.

By: */s/ Hunly Chy*
Hunly Chy
Senior Manager
Southern California Edison Company

DECLARATION OF ROMAN VAZQUEZ

DECLARATION OF ROMAN VAZQUEZ

I, Roman Vazquez, declare that:

1. I am currently employed by Southern California Edison Company (SCE) as a Senior Project Engineer in SCE's Transmission and Distribution Major Project Organization. I am a licensed professional engineer in the state of California. My business address is 2 Innovation Way, Pomona, CA 91768. I have been employed by SCE for 24 years. In this position, I am responsible for the coordination of the technical and design scope of infrastructure projects. My responsibilities include oversight of the technical aspects of various utility projects including transmission lines and substations for compliance with project scopes and design criteria. Pursuant to Rule 16.4(b) of the California Public Utilities Commission Rules of Practice and Procedure, I submit this Declaration in support of *Southern California Edison Company's (U 338-E) Response To The Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project* (the "PFM Response") being filed by SCE in Application 15-04-013.
2. I provided engineering and design support to the Riverside Transmission Reliability Project ("RTRP") project team in my role as Project Engineer from 2016 to present. As Project Engineer, I am responsible for coordinating the technical and design scope related the new RTRP overhead and underground 230kV lines, the Wilderness Substation, as well as modifications to the existing transmission and distribution circuits, and other systems needed to operate the lines and substation. In this role, I have provided oversite of the overhead and underground transmission lines and substations to ensure compliance with the project scopes and design criteria.

3. I am familiar with the design of every aspect of the RTRP project, including the supporting towers and transmission line conductors. Attached to this Declaration is a screenshot of a Google Earth image plotting the alignment of RTRP as approved in the CPCN, with the red line representing the underground portion and the white line representing the overhead portion. The background imagery on the Google Earth map is dated March 25, 2023. I believe that depiction is correct. In contrast, note that the maps and figures showing the RTRP overhead route contained in attachments to the Declaration of Peter M. Bryan (the "Bryan Declaration") submitted in conjunction with the Norco PFM incorrectly depict the RTRP route in several locations. For example, within Attachment B, images titled AERIAL COMPARISON #6 and AERIAL COMPARISON #7 appear to show the RTRP alignment actually in and around the Santa Ana River bottom vegetation area and making multiple crossings across the River itself. However, as shown on the Google Earth screenshot attached hereto as Exhibit 1, the RTRP alignment would cross the river in only <u>one</u> location, near the Goose Creek Golf Course and would not cross the river bottom area to the east. In fact, images AERIAL COMPARISON #2, #3, and #5 all the depict the RTRP route in the incorrect locations. Also of note, within Attachment D of Mr. Bryan's Declaration, image titled "RTRP Transmission Line with Fire Hazard Zone," also incorrectly depicts the RTRP route at various locations through the fire hazard zones.
4. The RTRP towers are designed to support the entire suspended transmission line and related infrastructure safely and securely during all weather conditions, including high winds, and during a significant earthquake. I am not aware of a single instance of a tower of the type proposed for RTRP blowing over in a high wind event.

5. Transmission lines such as RTRP are very different from distribution lines in several important respects. First, the RTRP line will not include overhead apparatus or equipment normally such as transformers, switches, disconnect switches, capacitors, and other equipment whose failure can emit combustible particles.
6. Second, RTRP's conductors are also designed with a much higher level of physical strength and durability as compared to distribution conductors. RTRP's conductors will employ an aluminum conductor steel reinforced ("ACSR") structure which is comprised of 45 aluminum strands over a core of seven steel strands. The ACSR conductors have a rated breaking tensile strength of 42,300 lbs. When installed in the RTRP Project during construction, I anticipate that these conductors will be pulled to approximately 1/3 of that tensile load, providing 3x safety factor. Their insulators and hardware have a rated strength of up to 50,000 lbs.
7. Third, the conductors used in transmission lines such as RTRP are spaced much further apart from each other than those on a distribution line. Part of my work in designing RTRP and other transmission line projects is to ensure compliance with the design standards included in the CPUC's General Order 95 ("GO 95"). GO 95 requirements provide that 230 kV transmission lines conductors such as RTRP's must be at least eight feet apart as compared to as little as 11.5 inches for distribution wires. RTRP has been designed to meet the applicable GO 95 requirements and its conductors will therefore be at least eight feet apart throughout the entire aboveground alignment. Objects such as debris or vegetation that contact a single conductor will not cause a spark unless the same object contacts two conductors or one conductor and the ground simultaneously. The minimum eight-foot distance between conductors for transmission projects such as RTRP

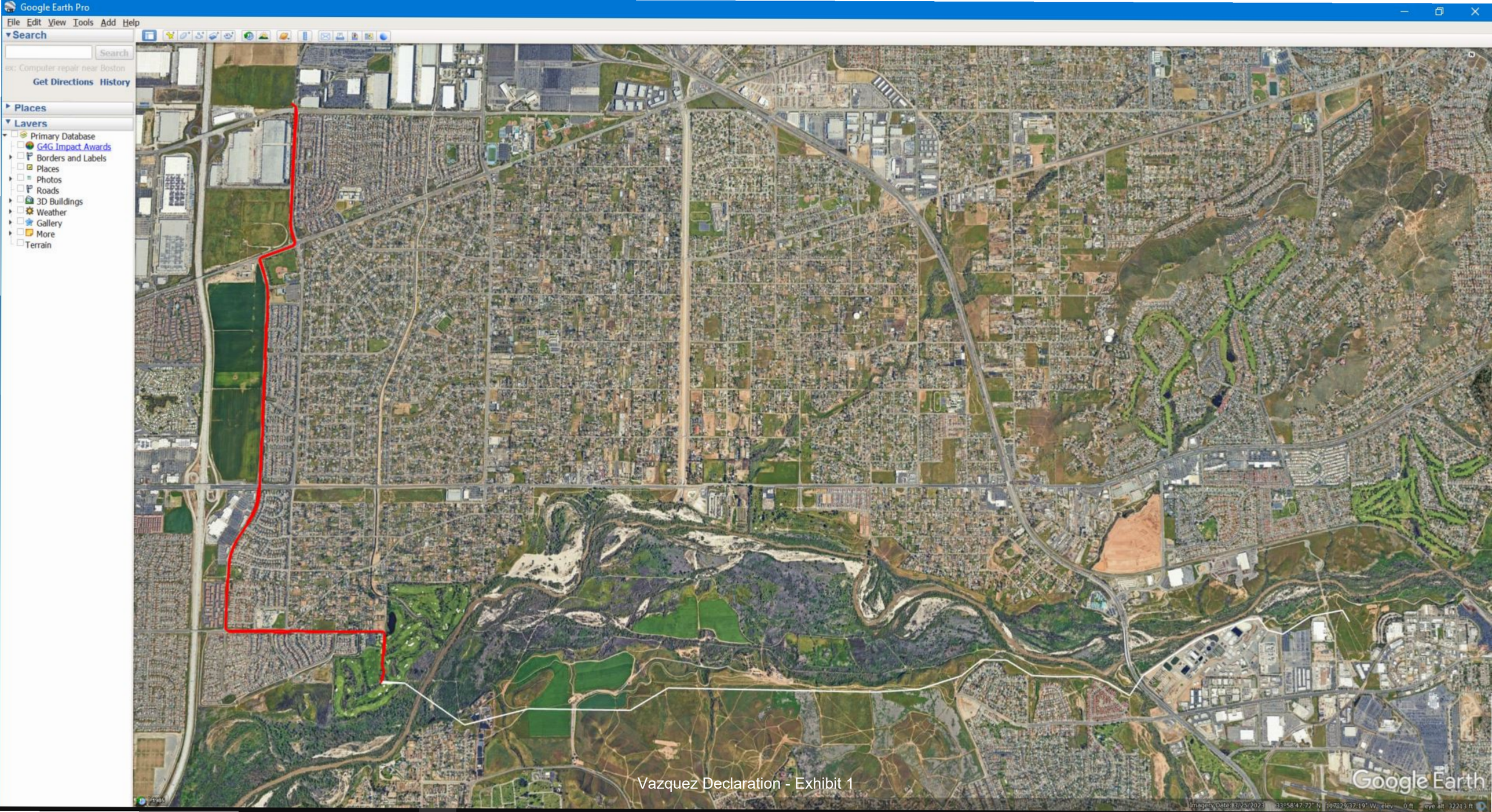
is therefore an important factor in determining the level of risk of an object contacting the conductors and resulting in a spark. It is very unlikely that any object large enough to contact two conductors at the same time or contact both the ground and a conductor would ever be present at the height required for such contact.

8. I have personal knowledge of the information set forth in this Declaration, and if called as a witness, I could and would competently testify thereto.
9. I supervised preparation of the responses and materials referenced herein.
10. Insofar as the information referenced in this Declaration is factual in nature, I believe it to be correct.
11. Insofar as this material is in the nature of opinion or judgment, it represents my best judgment.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 31st day of October, 2023, at Pomona, California.

By: */s/ Roman Vazquez*
Roman Vazquez
Senior Project Engineer
Southern California Edison Company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Places
Photos
Roads
3D Buildings
Weather
Gallery
More
Terrain
Vazquez Declaration - Exhibit 1
Google Earth

DECLARATION OF TOM ROLINSKI

DECLARATION OF TOM ROLINSKI

I, Tom Rolinski, declare that:

1. I am currently employed by Southern California Edison Company (SCE) as the Fire Scientist in SCE's Business Resiliency operating unit. My business address is 6000 N. Irwindale Ave, Irwindale, CA. I have been employed by SCE for five years. My responsibilities include leading SCE's Fire Science program. My duties include gathering and utilizing the latest science and technology to help SCE reduce utility-caused wildfires. Pursuant to Rule 16.4(b) of the California Public Utilities Commission Rules of Practice and Procedure, I submit this Declaration in support of *Southern California Edison Company's (U 338-E) Response To The Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project* (the "PFM Response") being filed by SCE in Application 15-04-013.
2. I provided subject matter expertise to the Riverside Transmission Reliability Project ("RTRP" or "Project") project team in my role as the Fire Scientist from 2018 to present. In this role, I have reviewed the material that was submitted by the Norco PFM and have provided commentary based on my expert opinion.
3. I am familiar with the area around the proposed RTRP alignment, including the Santa Ana River area.
4. I have reviewed the report and images, prepared by Peter M. Bryan, included as Attachment C to the Norco PFM (the "Bryan Declaration"). The Bryan Declaration includes images of vegetation growth in the Santa Ana River bed, labeled as "Photos from Location 1" and "Photos from Location 2." Based on my familiarity with the Santa

Ana River area and my knowledge of the proposed location of the Project's transmission line, the Project will primarily run through the grassy hillside area to the south of the area shown in the images. Based on recent Google street views, my understanding is there is less overgrown vegetation in the location of the proposed transmission line. To the extent that the presence of overgrown vegetation directly underneath the transmission line creates a wildfire ignition risk, this risk would be less in the actual Project location as compared to the area shown in the images.

5. In my experience, grasses such as those present where the transmission line is proposed, can burn rapidly, but usually at lower intensities compared to heavy continuous stands of brush.
6. The terrain where the above-ground portion of RTRP would be located does not contain the sharp changes in grade that can contribute to rapid uphill fire spread that leads to suppression challenges. Since 1992, fires in this area have generally been less than 100 acres which can be attributed to the type and amount of fuel in this area, the limited extent of wildland fuels in this region, and the relative flatness of the terrain.
7. The Bryan Declaration also states that vegetation could be blown into the air during a high wind event and contact the transmission line. In my experience, the chance of vegetation traveling the vertical distance of the size required to contact a transmission line is remote, even during a very high wind event.
8. I have personal knowledge of the information set forth in this Declaration, and if called as a witness, I could and would competently testify thereto.
9. I supervised preparation of the responses referenced herein.

10. Insofar as the information referenced in this Declaration is factual in nature, I believe it to be correct.

11. Insofar as this material is in the nature of opinion or judgment, it represents my best judgment.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 30th day of October, 2023, at Claremont, California.

By: */s/ Tom Rolinski*
Tom Rolinski
Fire Scientist
Southern California Edison Company

DECLARATION OF TROY WHITMAN

DECLARATION OF TROY WHITMAN

I, Troy Whitman, declare that:

1. I am currently employed by Southern California Edison Company (SCE) as a Senior Fire Management Officer in SCE's Business Resiliency Department. My business address is 6000 Irwindale Ave, Irwindale CA. I have been employed by SCE for 38 years. My responsibilities include providing effective liaison to the public wildland fire agencies in SCE's service area. My duties include response to emergency incidents where SCE's facilities may be impacted and providing utility wildfire expert guidance to fire personnel to ensure first responder and public safety. Pursuant to Rule 16.4(b) of the California Public Utilities Commission Rules of Practice and Procedure, I submit this Declaration in support of *Southern California Edison Company's (U 338-E) Response To The Petition Of The City Of Norco To Modify Decision 20-03-001 To Reopen The Record To Reconsider Alternative 8 Of The Riverside Transmission Reliability Project* (the "PFM Response") being filed by SCE in Application 15-04-013.
2. I am directly involved in SCE's emergency fire operations, and I often coordinate with fire agencies as they prepare for and undertake emergency firefighting efforts in the vicinity of our transmission lines. Such work frequently involves the coordination of aerial firefighting taking place near SCE transmission infrastructure.
3. I am aware of the following recent instances of aerial firefighting taking place near SCE transmission lines:

    - During the 2022 Coyote Fire in Banning, the Riverside County Fire Department deployed aerial firefighting near SCE's Devers-Valley 500 kV transmission lines.
    - During the 2023 Highland Fire in Banning, CAL FIRE deployed aerial firefighting near SCE's Devers-Valley 500 kV transmission lines.

- During the 2022 Route Fire, CAL FIRE deployed aerial firefighting near SCE's Bailey-Pardee and Pardee-Pastoria 220 kV transmission lines.

4. Based upon my communications with CAL FIRE and the Riverside County Fire Department personnel during active firefighting and following the containment of each of these three fires, my understanding is that aerial firefighting efforts were in no way materially impeded by the presence of SCE transmission lines.
5. I have personal knowledge of the information set forth in this Declaration, and if called as a witness, I could and would competently testify thereto.
6. I supervised preparation of the responses referenced herein.
7. Insofar as the information referenced in this Declaration is factual in nature, I believe it to be correct.
8. Insofar as this material is in the nature of opinion or judgment, it represents my best judgment.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 30th day of October, 2023, at Rancho Mission Viejo, California.

By: */s/ Troy Whitman*
Troy Whitman
Senior Fire Management Officer
Southern California Edison Company