

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



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Order Instituting Rulemaking to Update and
Amend Commission General Order 131-D.

R.23-05-018

JOINT MOTION FOR ADOPTION OF PHASE 1 SETTLEMENT AGREEMENT

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**BEFORE THE PUBLIC UTILITIES COMMISSION
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Order Instituting Rulemaking to Update and
Amend Commission General Order 131-D.

R.23-05-018

JOINT MOTION FOR ADOPTION OF PHASE 1 SETTLEMENT AGREEMENT

I. INTRODUCTION

Pursuant to Rule 11.1 and 12.1 *et seq.* of the California Public Utilities Commission’s (“CPUC” or “Commission”) Rules of Practice and Procedure (“Rules”), Southern California Edison Company, Pacific Gas & Electric Company, and San Diego Gas & Electric Company (collectively, the “Moving Parties”) submit this *Joint Motion for Adoption of Phase 1 Settlement Agreement* (“Motion”) on behalf of the Settling Parties,¹ respectfully requesting that the Commission adopt and find reasonable the Settlement Agreement (“Settlement Agreement”), attached hereto as Exhibit 1, and incorporate the rulemaking revisions recommended therein. Consistent with Rule 12.1, this Motion includes (1) a statement of the factual and legal considerations that are addressed in the Settlement Agreement, (2) a statement of the grounds on which adoption is urged, and (3) information demonstrating why the settlement is reasonable in light of the whole record, consistent with the law, and in the public interest.

This proceeding involves the Commission’s implementation of a recent statutory directive to amend existing Commission General Order (“GO”) 131-D with certain provisions

¹ The Settling Parties are SCE, PG&E, SDG&E, San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), Bear Valley Electric Service, Inc., Liberty Utilities (CalPeco Electric) LLC, PacifiCorp, American Clean Power, Independent Energy Producers Association, Center for Energy Efficiency and Renewable Technologies, Environmental Defense Fund, LS Power Grid California LLC, REV Renewables, LLC, Large-Scale Solar Association, California Energy Storage Alliance (CESA), Horizon West Transmission, LLC, Trans Bay Cable LLC, GridLiance West LLC, and the City of Long Beach, California, a municipal corporation acting by and through its Board of Harbor Commissioners.

intended to streamline the process for development of electrical infrastructure needed to enhance and expand the industry's ability to deliver cleaner and renewable power across the grid. In light of the fact that stakeholders identified numerous suggested updates and revisions to GO 131-D for that purpose and others, this proceeding has been bifurcated into two phases: the first to be concluded by January 1, 2024, consistent with statutory directive, and the second to be conducted next year.

As discussed more fully below, the Settlement Agreement contains joint recommendations that the Settling Parties believe should be adopted as part of Phase 1, and the Settling Parties request that the Commission adopt those revisions prior to January 1, 2024, without prejudice to any further revisions or issues that may be considered in Phase 2. The Settling Parties believe that the proposed revisions will advance the Commission's, the Legislature's and the Governor's shared goal of streamlining the GO 131-D permitting processes to expedite the clean energy transition.

II. CONTEXT AND PROCEDURAL BACKGROUND

The Commission's GO 131-D—which was adopted in 1994 and last modified in 1995—sets forth rules relating to utilities' authority to construct California's electric generation plants; transmission, power, and distribution lines; and substations. In the three decades since GO 131-D was adopted, both the public utility sector and the energy infrastructure planning process have changed dramatically. Public policies that once favored fossil-fueled electricity generation have shifted aggressively towards renewable-resource-fueled generation, demand-reduction programs, demand-response programs, distributed-energy resources, and energy-storage solutions. In

California, this public policy shift has occurred, in no small part, due to California’s adoption of ambitious clean-energy mandates.²

As recognized by the Legislature: “California is facing an unprecedented need for renewable energy resources to power the state’s electric grid over the next 10 to 20 years. This heightened need is driven by increased customer demand for clean energy, the continued electrification of transportation and other industries, and state greenhouse gas reduction and renewable energy objectives.”³ These clean energy mandates enjoy widespread support from both the California Legislature and Governor. Moreover, the California Energy Commission (“CEC”), the Commission, and the California Air Resources Board (“CARB”) have found that in order to meet its clean energy goals, California will have to roughly triple its electricity capacity, triple the build rate for solar and wind resources, and increase the build rate for battery storage eightfold.⁴

In September of 2022, Governor Newsom signed SB 529 (legislation that stemmed from the expected increase in California energy transmission projects) into law. This expected increase in transmission projects, which will likely continue throughout the next two decades, is

² See, e.g., Senate Bill (SB) 1020 (2022), codified at Pub. Util. Code § 454.53 (directing Commission to “plan for 100 percent of total retail sales of electricity in California to come from eligible renewable energy resources and zero-carbon resources by December 31, 2045,” with interim milestones of 90 percent by December 31, 2035 and 95 percent by December 31, 2040); Assembly Bill (AB) 1279 (2022), codified at Health & Saf. Code § 38562.2 (calling for “net zero greenhouse gas emissions as soon as possible”); AB 32 (California Global Warming Solutions Act of 2006); SB 32 (2016) (reduce statewide GHG emissions to 40% below 1990 levels by 2030); SB 100 (2018) (require renewable and zero-carbon energy resources to supply 100% of electric retail sales and state loads by 2045).

³ Senate Floor Analyses of SB 529; August 31, 2022; p. 6. Available at: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB529#.

⁴ See 2021 SB 100 Joint Agency Report, Achieving 100 Percent Clean Electricity in California: An Initial Assessment (March 2021) (available at: <https://www.energy.ca.gov/publications/2021/2021-sb-100-joint-agency-report-achieving-100-percent-clean-electricity> (last accessed on 21 September 2023)).

an existentially critical element of California’s clean energy transition. SB 529 authorizes project applicants to request Commission review of projects consisting of “extensions, expansions, upgrades, or other modifications of transmission projects” under “the more streamlined and expedient [Permit to Construct, or] PTC review and approval process.”⁵ The clear intent of SB 529 is to enable certain types of transmission projects to be approved in a timelier fashion than currently occurs through the Certificate of Public Convenience and Necessity (“CPCN”) process. SB 529 directs the Commission to update GO 131-D to implement the new law’s requirements by January 1, 2024.⁶

Pursuant to that mandate, the Commission issued an *Order Instituting Rulemaking* (“OIR”) on May 23, 2023, commencing this proceeding to update and amend GO 131-D to better address the needs of the State of California and its residents; be consistent with other applicable laws, policies, and Federal Energy Regulatory Commission orders; and provide a clearer, more efficient, and consistent process. The OIR set forth questions and solicited comments concerning potential changes to GO 131-D.⁷ Along with the OIR, the Commission solicited comment on two proposed draft versions of a revised GO 131-E (“OIR Proposed Revisions”).⁸

In June of 2023, in response to the OIR, numerous parties—which included a broad representation of interests (e.g., investor-owned utilities (“IOUs”), renewable energy developers, community interest groups, environmental advocacy groups, and labor advocacy groups)—filed

⁵ Senate Floor Analyses of SB 529; August 31, 2022; p. 4. Available at: https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB529#.

⁶ Pub. Util. Code § 564.

⁷ OIR, at 5-6.

⁸ OIR, at 3.

Opening Comments.⁹ Within those comments, numerous parties provided detailed and specific analyses of the OIR Proposed Revisions, including consistency with SB 529; the implications of adopting said revisions; and a variety of additional suggestions for improvements to GO 131-D beyond those specified in the OIR Proposed Revisions. On July 7, 2023, parties filed Reply Comments.¹⁰ It is important to note that within their respective Opening and/or Reply Comments, more than half of the parties who submitted comment letters highlighted the importance of streamlining the review and approval process for energy infrastructure projects,¹¹

⁹ Opening comments were filed by: Rural County Representatives of California (“RCRC”); the Acton Town Council; Clean Coalition; American Clean Power – California; the Pacific Gas and Electric Company (“PG&E”); California Farm Bureau Federation; the Protect Our Communities Foundation (“POCF”); Coalition of California Utility Employees (“CUE”); Environmental Defense Fund (“EDF”); California Energy Storage Alliance (“CESA”); Trans Bay Cable LLC, Horizon West Transmission, LLC, and GridLiance West LLC (jointly); the San Diego Gas and Electric Company (“SDG&E”); Defenders of Wildlife; the Public Advocates Office at the California Public Utilities Commission (“Cal. Advocates”); the Southern California Edison Company (“SCE”); Large-Scale Solar Association; LS Power Grid California, LLC; California Independent System Operator Corporation (“CAISO”); Center for Energy Efficiency and Renewable Technologies (“CEERT”); REV Renewables; Independent Energy Producers Association (“IEP”); Liberty Utilities (CalPeco Electric) LLC, PacifiCorp, and Bear Valley Electric Service, Inc. (jointly); and the City of Long Beach, California, a municipal corporation acting by and through its Board of Harbor Commissioners.

¹⁰ Reply comments were filed by: LS Power Grid California, LLC; Cal Advocates; PG&E; American Clean Power – California; the Acton Town Council; EDF; SDG&E; California Farm Bureau Federation; CEERT; CAISO; SCE; Large-Scale Solar Association; GridLiance West LLC, Trans Bay Cable LLC, and Horizon West Transmission, LLC (jointly); and IEP.

¹¹ See Opening Comments of SDG&E (SDG&E Comments) at 2-3, 5-7, 32-45; Comments of Environmental Defense Fund (EDF Comments) at 1-2; Public Advocates Office Comments (PAO Comments) at 1, 4; Opening Comments of The Center For Energy Efficiency And Renewable Technologies (CEERT Comments) at 4-13; Opening Comments of Pacific Gas & Electric Company (PG&E Comments) at 3; Southern California Edison Comments (SCE Comments) at 1; Comments Of The Coalition of California Utility Employees (CCUE Comments) at 1-2; Opening Comments of LS Power Grid California, LLC (LS Power Comments) at 12; Comments Of Horizon West Transmission, LLC (U222-E), Trans Bay Cable LLC (U934-E), and Gridliance West LLC (Joint Commenters Comments) at 8; American Clean Power – California Comments (ACP Comments) at 1, 3; Comments of The California Energy Storage Alliance (CESA Comments) at 1; Opening Comments of The Large-Scale Solar Association (LSA Comments) at 1; Opening Comments of The Independent Energy Producers Association (IEPA Comments) at 2; Opening Comments of Rural County Representatives Of California (RCRC Comments) at 1, 4, 8; REV Renewables, LLC Opening Comments (REV Comments) at 3.

and more than half of the parties expressed concerns with the OIR Proposed Revisions.¹²

On July 31, 2023, Assigned Commissioner Karen Douglas issued an *Assigned Commissioner's Scoping Memo and Ruling* ("Scoping Memo") on the OIR, setting forth "the issues, need for hearing, schedule, category, and other matters necessary to scope this proceeding".¹³ In recognition of the need to implement the requirements of SB 529 by January 1, 2024, Commissioner Douglas determined the proceeding should be bifurcated into two phases: Phase 1 of the proceeding will focus upon "...what changes to GO 131-D are necessary to conform it to the requirements of SB 529 and to update outdated references." During Phase 2, all other revisions to GO 131—including the OIR Proposed Revisions, changes proposed by parties in comments on the OIR, and any additional changes that may be proposed by Commission staff or parties during the course of this proceeding—will be considered. Noting the need to "rapidly deploy" energy infrastructure projects over the next decade, the Scoping Memo recognized the critically important relationship between California realizing its clean energy goals and the speed at which energy infrastructure projects are brought online, stating that "...the time is ripe for a comprehensive examination of the processes set forth in the GO."¹⁴ The Scoping Memo also stated that Phase 1 was deemed submitted and evidentiary hearings are not necessary.¹⁵

In parallel, during the 2023 California legislative session, which ended on September 14, the Legislature again placed a heightened focus on the need to move faster on infrastructure

¹² SDG&E Comments at 14-25; PG&E Comments at 1-2, 8-17; SCE Comments at 9-17; LS Power Comments at 3-4, 6, 10, 12, 13-14; Joint Commenters Comments at 5-8; ACP Comments at 2, 3; CCUE Comments at 3-7; LSA Comments at 2-3; IEPA Comments at 3; RCRC Comments at 4-5.

¹³ Scoping Memo, at 1.

¹⁴ Scoping Memo, at 5.

¹⁵ Scoping Memo, at 6.

licensing and permitting in order to achieve the aggressive climate-related goals that have been mandated by the state. This heightened focus was evidenced by the adoption of three bills, each of which affects how projects are permitted in California: SB 420 (Becker) establishes that electrical facility projects up to 138 kilovolt (“kV”) do not need discretionary permits from the CPUC—exempting those projects from the PTC or CPCN process, and Commission CEQA review, provided certain conditions are met. SB 619 (Padilla) both (1) creates an optional path for utility transmission projects above 138kV to have CEQA review completed by the CEC, and (2) imposes a 270-day timeframe in which the CEC must complete CEQA review for renewable development projects, as defined in AB 205. AB 1373 (Garcia) establishes a “rebuttable presumption” that, once a project is deemed necessary during the CAISO’s Transmission Planning Process (“TPP”), the CPUC should accept that determination of need as sufficient for demonstrating public convenience and necessity.

Following the issuance of the Scoping Memo, the Settling Parties began negotiations among themselves and other interested parties to this proceeding. Throughout August and September, the Settling Parties considered and discussed various GO 131-D revision proposals; drafted, discussed, and edited myriad iterations of proposed revision language; engaged in coalition-building outreach efforts; and held an All-Party Settlement Conference (“Settlement Conference”) to provide all participants the opportunity to openly discuss and negotiate in furtherance of the settlement effort.¹⁶ A wide range of parties—representing numerous interests (*e.g.*, investor-owned utilities, renewable energy developers, community interest groups, environmental advocacy groups, and labor advocacy groups)—attended the Settlement

¹⁶ Pursuant to Rule 12.1(b), the Settlement Conference was noticed to all parties listed on the Service List for this proceeding at the time the notice was issued. Other interested stakeholders who had sought, but not yet received “party” status by that time, were also invited to participate.

Conference, during which parties had the opportunity to express both support for and opposition to various proposals. Following the Settlement Conference, the Settling Parties prepared and revised the Settlement Agreement—based upon (1) party input received during the Settlement Conference, and (2) input received from various parties during subsequent settlement discussions. Ultimately, the Settling Parties reached a consensus regarding Settlement Agreement terms, including a number of specific revisions to GO 131-D the Settling Parties jointly recommend the Commission adopt during Phase 1.

III. REQUEST FOR COMMISSION ACTION

Pursuant to Rule 12.1(a), the Settling Parties respectfully file this Motion requesting Commission approval of the Settlement Agreement and the revisions to GO 131-D identified therein. Consistent with Rule 12.1 of the Rules, this Motion: (1) provides a statement of the factual and legal considerations that are addressed in the Settlement Agreement, (2) provides a statement of the grounds on which adoption is urged, and (3) demonstrates that the settlement is reasonable in light of the whole record, consistent with the law, and in the public interest.

As mentioned above and further discussed below, three pieces of legislation (*i.e.*, SB 420 (Becker), SB 619 (Padilla), and AB 1373 (Garcia)) were adopted by the legislature just prior to the end of the legislative session, in mid-September 2023. As those bills have yet to be either signed or vetoed by Governor Newsom as of the filing of this Motion, the Settling Parties' Settlement Agreement provides two alternative proposed revisions to GO 131-D (*i.e.*, "Option A" and "Option B" respectively, both of which are attached to the Settlement Agreement). In the event SB 420, SB 619, and/or AB 1373 become law—as might be expected, based upon the overwhelming support for each of these bills, as demonstrated by their substantial passage margins—the Settling Parties respectfully request that the Commission adopt Option B. If, on the other hand, SB 420, SB 619, and AB 1373 do not become law, the Settling Parties

respectfully request that the Commission adopt Option A. If one or more, but not all, of SB 420, SB 619, and AB 1373 become law, the Settling Parties request that the Commission adopt Option A along with the language relevant to the adopted laws from Option B.

IV. SETTLEMENT AGREEMENT SUMMARY

The Settlement Agreement is summarized below; however, in the event of any inconsistency, it is the Settling Parties' intention that the terms of the Settlement Agreement control over this summary. The Settling Parties agree upon and recommend the following revisions to GO 131-D, as shown in Attachments A and B to the Settlement Agreement:

- **Implementation of SB 529 (Authorizing Applicants To Proceed Under The PTC Process)**: To satisfy the requirements and directive in SB 529, the Settling Parties propose specific revisions to GO 131-D Section III.A that would authorize each public utility to elect to use the PTC process, or claim an exemption under Section III.B, when seeking to construct an extension, expansion, upgrade or other modification of certain specified electrical transmission facilities, even if those facilities are above the 200 kV level. The proposed revision is required by SB 529 and consistent with the statutory text. Further, the Settling Parties retain the exemptions in both III.A and III.B of GO 131-D that the Commission staff proposed to delete and decline to include other staff-proposed language suggesting that facilities must be operational to qualify for streamlined licensing.
- **Applicant-Prepared CEQA Documents**: The Settling Parties propose that the Commission revise GO 131-D Section VIII.A.7 and Section IX.C.1 to permit a public utility to submit, with its application for a PTC or CPCN, a draft CEQA document (or information justifying a CEQA exemption) instead of a Proponent's

Environmental Assessment (“PEA”), as required under existing GO 131-D.¹⁷

This revision would obviate the duplicative and often time-consuming and expensive process whereby Commission staff and retained consultants preparing CEQA documents essentially re-write the entire environmental analysis already contained in the PEA.

- **Recognition of CAISO Transmission Planning Decisions:** CAISO considers electrical system needs across its territory through its annual TPP, which is based upon resource and load forecasts provided by the CEC and this Commission.. When the need for additional grid modifications is identified through that TPP, CAISO’s tariff requires consideration of transmission and non-transmission alternatives to meet identified objectives.¹⁸ As a result, by the time CAISO has identified the need for a new transmission project, it has already vetted the objectives of that project, its purpose and need, and potential alternatives that could be implemented instead of a transmission solution. The Settling Parties propose new Sections IX.C.2.(a)-(d) to provide that when considering a PTC or CPCN application, the Commission should incorporate the CAISO determinations and conclusions
- **Setting Deadlines for the CPUC CEQA Processes:** Over the past two decades, the duration of CPUC CEQA reviews of utility CPCN and PTC applications has steadily increased. Licensing process delays impede construction of infrastructure

¹⁷ See GO 131-D §§ IX.A.1.h, IX.B.1.e.

¹⁸ See CAISO Fifth Replacement FERC Electric Tariff, §§ 24.1,24.2(d),24.3.1(j), 24.3.3(a)(ii),24.4.5, 24.4.6.2, 24.4.6.7; available at; <http://www.caiso.com/Documents/Conformed-Tariff-as-of-Aug2-2023.pdf>, accessed on September 22, 2023.

needed to accommodate the clean energy transition. Such delays also lead to increased overall costs to ratepayers because utilities incur overhead costs throughout the CPUC process and construction costs generally increase over time. In recognition of the long licensing processes often associated with utility development, in the past two years the Legislature has enacted a number of laws designed to shorten that process. In 2022, it enacted AB 205, which establishes, among other things, an optional process for certain infrastructure project developers to seek streamlined review and CEQA analysis by the CEC. That statute establishes strict timelines on the CEC process, including prompt determinations regarding application completeness and a deadline for a decision on the application as a whole (i.e., 270 days after the application is deemed complete).¹⁹ The Settling Parties propose that the Commission adopt the same timelines for its CEQA review process and consideration of a PTC or CPCN application, consistent with State policymakers' repeated acknowledgment of the need to develop worthy transmission projects as promptly as possible to facilitate the clean energy transition.

- **Confirming Procedures For Filing, Processing and Disposition of Protests:**
CPUC GO 96-B sets forth general CPUC rules related to the processing of advice letters and provides for the disposition of protests to advice letters by full Commissioner vote at an agenda meeting. In contrast, in adopting GO 131-D in 1994, the CPUC recognized the need for a swift process for assessing utility

¹⁹ Public Resources Code § 25545.4(e)(1).

advice letters relating to exemptions from licensing, establishing a clear process for the Executive Director to quickly determine whether any protest to such an advice letter identifies any valid reason to negate a potential exemption.²⁰

Nevertheless, Energy Division has begun to elevate all advice letter protests for consideration by Commission vote similar to the process established in GO 96-B. This practice could delay construction of critical infrastructure projects by several months while CPUC staff review the matter and identify the appropriate time for it to be considered at an agenda meeting. Therefore, the Settling Parties propose revisions to clarify and reinforce the Commission's original intent that staff-level disposition of all advice letter protests submitted pursuant to GO 131 is appropriate, otherwise the streamlining benefits provided by the advice letter process could be negated.

- **Clarifying Language Regarding Exemption “g”**: Existing GO 131-D Section III.B.1.g provides an exemption from the PTC requirement for certain power line facility or substation projects that would be located within areas already associated with utility land uses. However, the language in that existing provision has led to confusion regarding the scope of that exemption, as narrow readings have excluded certain types of property rights. Therefore, to streamline development within such areas, the Settling Parties propose wording to specify that all utility rights of way (“ROWS”) are locations where new projects could be exempt from requiring a PTC. Similarly, the Settling Parties also suggest a

²⁰ See GO 131-D, § XIII.

revision to confirm that an exemption would apply to a power line or substation to be located in a government-adopted utility corridor where a prior CEQA document found no significant unavoidable impacts, and clarify that no such CEQA determination is required where the utility already has a ROW.

- **Miscellaneous Updates And General References:** The Settling Parties propose revisions throughout GO 131-D to update outdated references, reflect new statutes governing utility facilities, and accurately reflect the renaming of the “Commission’s Advisory and Compliance Division” to “Energy Division.” In addition, the Settling Parties propose revisions to Sections VII and XI to reflect modern technological advances (*e.g.*, authorizing applicants to provide electronic copies, rather than hard copies, of certain application documents).
- **Revisions To Implement New Legislation (If Signed By Governor Newsom):** Each of the revisions and modifications described in the preceding bullet points is included in the two alternative versions of the Settling Parties’ proposed revisions (“Option A” and “Option B”). In addition, Option B presents additional revisions to incorporate legislation that was approved by votes of the Legislature just prior to the end of the legislative session in mid-September 2023, but has not yet been signed by the Governor as of the signing of the Settlement Agreement. Should those bills (*i.e.*, SB 420, SB 619 and AB 1373) become law, then the Settling Parties respectfully request that Option B be adopted by the CPUC. The additional revisions contained in Option B are:
 - **Implementation of SB 420 (Raising The Threshold Voltage For Projects That Require A PTC):** Whereas existing GO 131-D requires a

PTC or CPCN for all non-exempt projects at voltages of 50 kV or greater, SB 420 increases the permitting threshold to 138 kV for utility projects that are located on previously disturbed land, or in an urbanized area, and projects that have already been analyzed as part of a separate CEQA analysis.²¹ This legislation presents a common-sense solution for streamlining the development of power line and substation projects that can be expected (or have already been found) to cause only minor environmental impacts, although it also contains built-in safeguards that would require permitting for projects between 50 kV and 138 kV that are located in sensitive environmental areas. To effectuate this new law, the Settling Parties propose in Option B a new Section III.C. that incorporates each of the specific terms of SB 420.

- **Applicant Option To Seek Environmental Review By CEC:** SB 619 provides applicants for PTCs or CPCNs the option to seek expedited environmental review by the CEC via the same process established in AB 205 (described above), while also ensuring that the CPUC retains discretionary authority over licensing.²² To facilitate faster licensing proceedings and alleviate Commission workload, the Settling Parties propose revisions in Option B to recognize this new optional environmental review path. Additional modifications to the proposed

²¹ See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB420, accessed on September 22, 2023.

²² See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB619, accessed on September 22, 2023.

provisions described above—related to applicant-prepared CEQA documents that would not be necessary if the applicant elects to proceed with CEC CEQA review—are also included. (*See* proposed new Sections IX.B.1.e., IX.B.4, IX.C.4.).

○ **Rebuttable Presumption Of CAISO-Determination Regarding Project**

Purpose and Need: As noted above, to eliminate duplicative analyses of a project’s purpose and need, the Settling Parties propose provisions to establish a rebuttable presumption that a transmission project would meet the threshold standards for issuance of a CPCN if that project were approved by CAISO. This concept derives from AB 1373, which directs the Commission to establish a rebuttable presumption with regard to need for the proposed transmission project, so long as (1) CAISO’s Board approved the project with explicit findings, (2) CAISO is a party to the CPUC proceeding, and (3) there are no changes to the project, as approved by CAISO.²³ As proposed by the Settling Parties, Option B would incorporate each of these specific terms and conditions of AB 1373 into Section IX.C.3.

V. REQUEST FOR APPROVAL OF SETTLEMENT AGREEMENT AND ADOPTION OF REVISIONS TO GO 131-D PROPOSED THEREIN

The Moving Parties respectfully request Commission approval of the Settlement Agreement pursuant to Article 12 of the Rules. The Settlement Agreement is consistent with

²³ See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1373, accessed on September 22, 2023.

Commission decisions on settlements, which express the strong public policy favoring settlement of disputes if they are fair and reasonable in light of the whole record.²⁴

The Settlement Agreement complies with Commission guidelines and relevant precedent for settlements. The general criteria for Commission approval of settlements are stated in Rule 12.1(d), which states: “The Commission will not approve settlements, whether contested or uncontested, unless the settlement is reasonable in light of the whole record, consistent with law, and in the public interest.” The Settlement Agreement meets the criteria for a settlement, pursuant to Rule 12.1(d), as discussed below.

A. The Settlement Agreement As A Whole Is Consistent With Longstanding Commission Policy Favoring Settlement.

The Commission has a long-standing policy of supporting settlements.²⁵ “The Commission favors settlements because they generally support worthwhile goals, including reducing the expense of litigation, conserving scarce Commission resources, and allowing parties to reduce the risk that litigation will produce unacceptable results.”²⁶ In this case—by bringing together a broad coalition of interests that worked together in order to reach consensus on a number of critically important revision proposals (*e.g.*, the need to streamline the review and approval process for energy infrastructure projects, which was highlighted by more than half of the parties who submitted Opening and/or Reply Comments²⁷)—the Settling Parties have demonstrated that (1) a number of the proposed revisions are acceptable to many of the parties to this proceeding; (2) adoption of these proposed revisions will decrease the number of issues that

²⁴ See, e.g., D.88-12-083 (30 CPUC 2d 189, 221-223) and D.91-05-029 (40 CPUC 2d, 301, 326).

²⁵ D.05-03-022, pp. 7-8; D. 10-06-031, p. 12.

²⁶ D.10-06-031 at p. 12.

²⁷ Supra, at 4.

would otherwise require consideration during a lengthy Phase 2 proceeding; and (3) these proposed revisions—and the benefits to the clean energy transition of adopting the same—can be realized many months earlier than they otherwise might have been realized.

B. The Settlement Agreement And Each Of The Proposed Revisions To GO 131-D Identified Therein, Are Reasonable in Light of the Record, Consistent with Existing Law, and in the Public Interest.

The Commission will approve a settlement if it finds the settlement “reasonable in light of the whole record, consistent with law, and in the public interest.”²⁸ Viewed as a whole, the Settlement Agreement meets these criteria. Moreover, each of the proposed revisions which comprise the Settlement Agreement are reasonable in light of the whole record, consistent with law, and in the public interest.

B. 1. The Settlement Agreement, as a Whole, is Reasonable in Light of the Record, Consistent with Existing Law, and in the Public Interest

The Settlement Agreement, as a whole, is reasonable in light of the whole record. In this case, as discussed above, in response to the issuance of the OIR, numerous parties—which included a broad representation of interests—responded via the submission of comments and replies. Within their respective Opening and/or Reply Comments, more than half of the parties who submitted comment letters highlighted the importance of streamlining the review and approval process for energy infrastructure projects and more than half of parties expressed concerns with the OIR Proposed Revisions.²⁹ Additionally, the Settlement Agreement is the product of extensive debate and discussion, which took place throughout a two-month period, during which the Settling Parties proposed and discussed various GO 131-D revision proposals;

²⁸ Rule 12.1(d); *see also* D.09-10-017 (applying Rule 12.1(d) criteria).

²⁹ *Supra*, at 4.

drafted, discussed, and edited myriad iterations of proposed revision language; engaged in coalition-building outreach efforts; and participated in the Settlement Conference. During the Settlement Conference, a wide range of parties—representing numerous interests—had the opportunity to express both support for and concerns about various proposals. Following the Settlement Conference, the Settling Parties made additional revisions to the proposed Settlement Agreement based upon (1) party input received during the Settlement Conference, and (2) input received from various parties during subsequent discussions. Ultimately, the Settling Parties—which include IOUs, renewable energy developers, and environmental advocacy groups—negotiated in good faith, bargained aggressively, and compromised, prior to agreeing upon the Settlement Agreement.

The Settlement Agreement, as a whole, is also consistent with both existing law and Commission Rules. First, the Settlement Agreement is derived from the need to revise GO 131-D in order to implement SB 529, as required by the Legislature, and both Option A and Option B contain proposed revisions to satisfy that directive. Second, with respect to the process followed to achieve the proposed settlement, the Settling Parties have fully complied with the provisions of Rule 12.1. In particular, Rule 12.1(b) requires parties to provide a notice of a settlement conference at least seven days before a settlement is signed. On September 8, 2023, SDG&E provided notice to all parties on the service list in this proceeding of a settlement conference, and subsequently convened a telephonic settlement conference—on September 20, 2023, at 9:00 a.m.—to describe and discuss the terms of a proposed Settlement Agreement. After the Settlement Conference concluded, the Settling Parties drafted the proposed Settlement Agreement and revised the proposed revisions to GO 131-D, based upon (1) points raised by settlement conference participants during the settlement conference; (2) conversations between

the Settling Parties; and (3) conversations between the Settling Parties and certain settlement conference participants. The Settlement Agreement was finalized and executed so as to be submitted with this Motion.

Third, the Settlement Agreement, as a whole, serves the public interest. Due to the increased customer demand for clean energy, a greater reliance on renewable and carbon-free energy sources, the continued electrification of transportation and other industries, and the ambitious commitments to drastically reduce GHG emission and increase reliance upon renewable energy sources, California must improve, upgrade, and expand its energy infrastructure. This will require a large number of energy transmission projects, and other energy infrastructure projects, to be approved, built, and brought on-line as quickly as possible. The Settlement Agreement will streamline the review and approval process for California energy infrastructure projects, thereby facilitating and hastening the clean energy transition—in accordance with SB 529 and broader State policy. As such, it is indisputably in the public interest.

B. 2. Each of the Proposed Revisions Which Comprise the Settlement Agreement Is Reasonable in Light of the Record, Consistent with Existing Law, and in the Public Interest

As discussed within this Motion, the Settling Parties have reached consensus on several categories of revisions needed to improve GO 131-D, including the following: the implementation of SB 529; applicant-prepared CEQA documents; the recognition of CAISO transmission planning decisions; the imposition of deadlines for CPUC CEQA processes; protest filing, processing, and disposition procedures; exemption “g” language clarifications; miscellaneous updates and general reference updates; and the implementation of new legislation. Not only is the Settlement Agreement as a whole reasonable in light of the whole record,

consistent with existing law, and in the public interest; each of the proposed revisions which comprise the Settlement Agreement meets each of these same criteria, on their own merits.

B.2.A. Proposed Revisions Regarding Implementation of SB 529

SB 529 is the impetus behind the Commission’s OIR; it was prompted by a host of new utility infrastructure projects on the horizon and the urgent need for speedier permitting of those projects at the CPUC to meet California’s climate change goals.³⁰ In fact, the California Legislature identified the CPCN process, with its detailed review of the need for and cost of projects, as a primary cause of permitting delay at the Commission.³¹ SB 529 removes need and cost analysis for certain existing transmission modifications by authorizing use of the PTC process, or PTC exemptions, instead of the CPCN process. The Settling Parties propose that the Commission implement SB 529, not as proposed by Commission staff in its Attachment A,³² but as the Legislature wrote it.³³ The Settling Parties propose that the Commission add language to Section III.A that adopts the legislative language concerning the facilities it covers and accomplishes the Legislature’s intent that those projects, if they would have required a CPCN under Section III.A, may instead utilize Section III.B’s PTC process and exemptions.

The Settling Parties also propose not to adopt other aspects of the Commission staff’s Attachment A. Under the guise of proposing revisions “solely to conform to the requirements of SB 529 (Hertzberg), 2022,”³⁴ Attachment A inexplicably eliminated key exemptions from both

³⁰ Office of Sen. Floor Analyses, analysis of Sen. Bill No. 529 (2021-2022 Reg. Sess.) Aug. 23, 2022, (“Legislative History”) at 4.

³¹ *Id.*

³² Order Instituting Rulemaking to Update and Amend Commission General Order 131-D (“OIR”), Attachment A.

³³ See Exhibit 1, Settlement Agreement, Attachments A & B, Section III.A

³⁴ OIR at 3; see also Attachment A, cover page.

Section III.A and Section III.B’s existing permitting requirements that would not only violate SB 529’s express terms, but delay literally thousands of transmission projects of every kind, every year. In line with the legislative intent for streamlining rather than lengthening permitting at the Commission, the Settling Parties propose to retain those key existing exemptions.

The Proposed Revisions Are Reasonable In Light of the Whole Record

The Settling Parties’ proposal is reasonable in light of the whole record,³⁵ including evidence in the record showing the dire current and future need for utility infrastructure to support the state’s climate goals, the delays currently caused by current permitting and noticing processes, long-standing practices under GO 131-D, and the legislative intent behind SB 529.

SB 529 states in its entirety:

By January 1, 2024, the commission shall update General Order 131-D to authorize each public utility electrical corporation to use the permit-to-construct process or claim an exemption under Section III(B) of that general order to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities, including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.³⁶

Significantly, SB 529 directs the CPUC to “authorize” a utility to use Section III.B rather than Section III.A for these types of projects; it does not mandate that all “extension, expansion, upgrade, or other modification to its existing electrical transmission facilities” over 200 kV must seek a PTC or claim an exemption. In doing so, the legislation keeps in place the existing options in both Section III.A and III.B of GO 131-D to qualify for exemptions from either

³⁵ The record in Phase 1 of this proceeding is the parties’ comments and replies on the questions presented in Rulemaking 23-05-018. See Decision 99-10-064 at 8 (record for settlement in rulemaking proceeding was parties’ comments and replies on Commission’s questions).

³⁶ SB 529, § 1, codified as Pub. Utilities Code, § 564.

permitting or noticing. The legislative history makes clear that the legislation was aimed at projects that would require a CPCN under Section III.A.³⁷

To capture the legislators' intent while retaining the key language in the legislation, the Settling Parties propose to add the following paragraph to GO 131, Section III.A:

Where a public utility seeks to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities (including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements) that would require a certificate of public convenience and necessity under this Section III.A, the electric public utility may instead elect to file a permit-to-construct application or claim an exemption under Section III.B for such facilities, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.

The proposed paragraph adopts the legislative language concerning the facilities it covers and authorizes utilities proposing those projects to utilize Section III.B's PTC process and exemptions if those projects would have required a CPCN under Section III.A.

In line with SB 529's clarion call to address CPUC permitting delays, the Settling Parties propose not to delete the existing exemption in Section III.B for projects that would be categorically or statutorily exempt under the CEQA Guidelines. Commission staff proposed deleting this critical exemption in both of its proposals. Under Section III.B, these projects

³⁷ See, e.g., Executive Resolution E-4556 (March 19, 2013), at 4 (construction of electrical facilities that are not "major" transmission line facilities over 200 kV or that fall within one of the exemptions do not require a CPCN); AL 6570-E (Effective date May 19, 2022) (230 kV transmission line approximately ½ mile in length to serve a large project is not a major electric transmission line facility requiring a CPCN under Section III.A); Assigned Commissioner's Scoping Memo and Ruling, East County Substation Project (A.09-08-003; March 15, 2011), at 4 (new 3,065-foot long 500 kV line was not a major transmission line facility requiring a CPCN "in view of the relatively short length of the new transmission line segments and in the context of the overall project"); Assigned Commissioner's Scoping Memo and Ruling, Red Bluff Substation Project (A.10-11-012; February 25, 2011) at 6 (500 kV transmission lines 2,500 to 3,500 feet in length to support a larger project were not "major" facilities that required a CPCN).

currently need no CPUC permit or require advance noticing.³⁸ The impact of deleting this exemption cannot be overstated, not just for transmission lines over 200 kV, but for all projects over 50 kV. As Rural County Representatives of California put it:

The Commission must avoid narrowing the universe of PTC exemptions in such a way that would cause far-reaching and consequential collateral damage, such as projects that would maintain, repair, restore, demolish, or replace property or facilities damaged as a result of a disaster, emergency repairs to maintain essential services, and actions to prevent or mitigate an emergency.³⁹

Since the Commission adopted GO 131-D, these CEQA-based exemptions have been regularly applied to thousands of activities yearly, including critical maintenance work, wildfire system hardening, and renewable interconnection work as well as occasional emergency work.⁴⁰

As explained in many parties' comments,⁴¹ the Commission staff proposed deletion of GO 131-D's PTC exemption "h" violates SB 529. On its face, SB 529 requires the Commission to "update General Order 131-D to authorize each public utility electrical corporation to ... claim an exemption under Section III(B) of *that* general order."⁴² Under SB 529, this exemption (along with all existing exemptions under GO 131-D) must be carried through to the qualifying transmission projects that SB 529 is expanding the PTC process to include. This "plain language" interpretation of SB 529—as extending the same exemptions under Section III(b) of

³⁸ Regardless of the required CPUC permit or notice required under GO 131-D, all utility projects must comply with any applicable federal, state, and local environmental laws and cannot proceed until all required permits are in hand.

³⁹ Opening Comments of Rural County Representatives of California ("RCRC") at 4.

⁴⁰ See PG&E Opening Comments at 9-11.

⁴¹ SDG&E Comments at 15-19; PG&E Comments at 1-2, 8-17; SCE Comments at 9-17; LS Power Comments at 3-4, 6, 10, 12, 13-14; Comments Of Horizon West Transmission, LLC (U222-E), Trans Bay Cable LLC (U934-E), and Gridliance West LLC ("Joint Commenters Comments") at 5-8; ACP Comments at 2, 3; CCUE Comments at 3-7; LSA Comments at 2-3; IEPA Comments at 3; RCRC Comments at 4-5.

⁴² SB 529, Section 1; Pub. Util. Code § 564 (emphasis added).

GO 131-D—is confirmed in the bill analysis for the Senate Third Reading, SB 529, as Amended August 23, 2022:

Certain types of projects that would ordinarily undergo the PTC process have characteristics that exempt those projects from some provisions. Amendments to this bill would extend the same exemptions to the qualifying transmission projects that this bill is expanding the PTC process to include.⁴³

The Settling Parties propose to comply with SB 529 and retain GO 131-D’s PRC exemptions.

The Settling Parties also propose to retain Section III.A’s existing permitting requirements for “major” electric transmission line projects, with the language that has been in place long before the adoption of GO 131-D in 1994. GO 131-D, Section III.A, provides that only the construction of “major electric transmission line facilities” over 200 kV requires a CPCN if the project does not qualify for one of the exemptions listed. According to CPUC precedent, many new transmission line extensions that are a small part of larger projects are not considered “major electric transmission line facilities” and do not require either a CPCN or a notice by themselves.⁴⁴ For these projects, the permitting level is determined by the other components of the project.

The language proposed by Commission staff in both Attachment A and B of the OIR to address SB 529 is overbroad and could be interpreted as applying not only to the “major electric transmission line facilities” covered by Section III.A, but also to any “extension, expansion, upgrade, or other modification to its existing electrical transmission facilities” over 200 kV of

⁴³ https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB529 . (File mislabeled as 08/23/22 Assembly Floor Analysis) (Emphasis added).

⁴⁴ See, e.g., *Assigned Commissioner’s Scoping Memo and Ruling*, in A.10-11-012 (In the Matter of the Application of Southern California Edison Company (U338E) for a Permit to Construct Electrical Facilities: Red Bluff Substation Project), available at: <https://docs.cpuc.ca.gov/PublishedDocs/EFIELD/RULC/131378.PDF> (accessed on September 28, 2023).

any length. This interpretation would remove needed permitting flexibility, and result in projects requiring a formal PTC or – at a minimum – a notice process when none is currently required. This would be contrary to SB 529’s intent, which is to shorten the permitting process for these existing transmission line modifications. The Settling Parties’ proposal furthers that intent by focusing narrowly on the “major” transmission line projects that would currently require a CPCN.

Finally, the Settling Parties’ proposal tracks SB 529’s statutory text by referring to “existing electrical transmission facilities.” The language proposed by Commission staff in both Attachment A and B of the OIR sought to limit SB 529 to “operational electric infrastructure,” a limitation not found in SB 529. As explained in party comments, such a limitation is not consistent with SB 529 and could create a lack of clarity regarding existing electrical transmission facilities that have been temporarily de-energized.⁴⁵ The Settling Parties’ proposal is consistent with SB 529 and therefore is reasonable.

The Proposed Revisions Are Consistent With Law

The Settling Parties’ proposed language for implementing SB 529 largely tracks the language in SB 529 itself and is consistent with SB 529’s legislative intent as cited and made part of the record through the comments of parties to this proceeding. Furthermore, the proposal retains the existing provisions in GO 131-D as to the Section III.B exemption for projects that would be categorically or statutorily exempt under CEQA, and the Section III.A limit to major electric transmission line project; those provisions have been in place for over 25 years and have stood the test of time. In fact, removing the exemption would be contrary to SB 529, which

⁴⁵ See, e.g., SDG&E Comments at 18-19; SCE Comments at 10; PG&E Comments at 11-12.

specifically contemplates that applicants would be authorized to avail themselves of the exemptions in Section III.B. For these reasons, the Settling Parties’ proposal is consistent with existing law.

The Proposed Revisions Are In The Public Interest

In adopting SB 529, the intent of the Legislature was to expedite the review and approval of a defined group of transmission projects because they are necessary to meet the state’s zero-carbon and renewable energy resource goals.⁴⁶ Legislators acted in response to the California Independent System Operator’s (“CAISO”) 20-year Transmission Outlook, published in 2021, which identified an estimated \$10.74 billion in upgrades to existing facilities required to achieve these goals. The CPCN process was identified by the Legislature as a primary cause of delay in the Commission approval process. The Legislature noted that the CPCN analysis, including a detailed review of the need and cost of the project, is onerous and time consuming, to the point that it is “hampering the ability of deploying necessary transmission projects in a timely fashion to support deployment of necessary zero-carbon and renewable energy resources.”⁴⁷ SB 529 directed the Commission to “remove barriers to these critical improvements.” The author of SB 529, Sen. Hertzberg, correctly noted that expediting review of these transmission upgrades by including them under the more streamlined PTC review process would help lower the costs of achieving the state’s clean energy goals. For all of these reasons, the Settling Parties’ proposal to implement SB 529 as written, consistent with its legislative intent, and to further permit streamlining by retaining important time- and cost-saving provisions, is in the public interest.

⁴⁶ Office of Sen. Floor Analyses, analysis of Sen. Bill No. 529 (2021-2022 Reg. Sess.) Aug. 23, 2022, p. 4.

⁴⁷ *Id.*

B.2.B. Proposed Revisions Regarding Applicant-Prepared CEQA Documents

The Settling Parties propose the Commission revise GO 131-D Section VIII.A.7 and Section IX.C.1 to permit a public utility to submit, with its application for a PTC or CPCN, either a draft CEQA document or information justifying a CEQA exemption—instead of a Proponent’s Environmental Assessment (“PEA”), as currently required under existing GO 131-D sections IX.A1.h. and IX.B.1.b. This proposed revision is reasonable in light of the record as a whole, consistent with existing law, and in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

First, the proposed revision is reasonable in light of the record as a whole because it would alleviate a procedural roadblock that many commenters identified as a wasteful costly impediment to efficient development of needed infrastructure. In fact, during the opening and reply comment period, more than one-third of the commenting parties noted that the existing PEA requirement imposes an inefficient, costly, and duplicative process. Namely, despite the utility’s preparation of a PEA (which takes considerable time and incurs considerable expense prior to filing)—the Commission and its consultant typically review that time-intensive and costly utility-prepared PEA once filed, and then proceed to prepare their own entirely separate CEQA analysis, often duplicating much of the work already done by the applicant. As many parties recognized, this duplicative effort not only results in considerable delays, but also needlessly increases costs, which are passed on to ratepayers.

The Proposed Revisions Are Consistent With Law

Second, the proposed revision is consistent with existing law because it would make use of a practice specifically contemplated by the CEQA Guidelines. In particular, CEQA Guidelines section 15084(d) provides that a lead agency may “choose one of the following

arrangements or a combination of them for preparing a draft EIR ... (3) Accepting a draft prepared by the applicant, a consultant retained by the applicant, or any other person.” To ensure that the lead agency performs its own review of that draft, CEQA Guidelines section 15084(e) further provides, “Before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency’s own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency.” The Settling Parties’ proposal would be consistent with this provision, as it contemplates that although the applicant would prepare the CEQA document, CPUC staff would subject the draft to the agency’s own review and analysis, issue the document for public review as appropriate, respond to comments from responsible agencies and the public, and finalize the EIR or other CEQA document to reflect the Commission’s independent judgment, all consistent with existing CEQA law.

The Proposed Revisions Are In The Public Interest

Third, the proposed revision is in the public interest because, avoiding the duplicative CEQA document preparation process could save months or years of application processing time, millions of ratepayer dollars spent on Commission CEQA consultants, and significant Commission staff time. Moreover, this will further streamline the review and approval process for energy infrastructure projects and facilitate California’s clean energy transition. For these reasons, the Settling Parties’ proposed revisions regarding applicant-prepared CEQA documents are reasonable in light of the whole record, consistent with existing law, and in the public interest.

B.2.C. Proposed Revisions Regarding the Recognition of CAISO Transmission Planning Findings

In proposed Section IX.C.2, the Settling Parties propose GO 131-D revisions that recognize the extensive transmission system planning work performed by CAISO, in

coordination with this Commission, the CEC and interested parties. These provisions would recognize the CAISO's findings regarding a proposed project in a CAISO Governing Board-approved Transmission Plan in the Commission's identification of the CEQA statement of objectives, range of reasonable alternatives, and any statement of overriding considerations.⁴⁸ The proposed revisions also would establish a rebuttable presumption that the Commission's assessment of preferred resources under Public Utilities Code § 1002.3, if applicable to an application, be limited to such analysis in the CAISO Transmission Plan and the underlying Commission's base resource portfolio for such Plan.⁴⁹ Finally, the proposed revision would establish a rebuttable presumption that CAISO approval establishes that the public convenience and necessity require project approval.⁵⁰

As set forth below, these provisions are reasonable based on the whole record, consistent with law, and in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

Recognizing the CAISO's Transmission Plan findings in the Commission's CEQA and permitting review of CAISO-approved transmission projects is reasonable in light of the whole record. The record in Phase 1 of this proceeding is the parties' comments and replies on the questions presented in Rulemaking 23-05-018.⁵¹ Numerous parties agrees that recognizing the role of the CAISO Transmission Planning Process (TPP) could reduce duplication and delay at

⁴⁸ Exhibit 1, Settlement Agreement, Attachments A & B, Section IX.C.2(a)-(b).

⁴⁹ Exhibit 1, Settlement Agreement, Attachments A & B, Section IX.C.2(c).

⁵⁰ Exhibit 1, Settlement Agreement, Attachments A & B, Section IX.C.2(d).

⁵¹ See Decision 99-10-064 at 8 (record for settlement in rulemaking proceeding was parties' comments and replies on Commission's questions).

the Commission.⁵² Doing so would expedite construction of electric transmission infrastructure to meet California’s clean energy transition goals, as well as reduce ratepayer costs from overhead and construction cost escalation during lengthy permitting proceedings.

Further, the CAISO’s annual Transmission Planning Process builds upon infrastructure approved in previous Transmission Plans to determine what is needed to assure system reliability.⁵³ As a result, Commission review of CAISO-approved projects in project-specific CPUC proceedings that makes assumptions inconsistent with CAISO TPP, which rests upon the Commission’s resource portfolio, may disrupt system planning and thus reliability.

Transmission planning in California has changed substantially since GO 131-D was adopted in 1994. Today, the Commission, the CEC and the CAISO coordinate on electric load forecasting, resource planning and transmission planning to achieve state reliability and policy goals.⁵⁴ The “CAISO utilizes resource portfolios from the Commission’s Integrated Resource Plan (IRP) proceeding in order to identify needed transmission projects.”⁵⁵ As recognized in a December 2022 Memorandum of Understanding among the Commission, the CEC and CAISO, the CAISO conducts electric transmission planning to meet the electricity transmission needs for

⁵² See SDG&E Comments at 40-43; CEERT Comments at 12; LS Power Comments at 12-16; Joint Commenters Comments at 2, 10; PG&E Comments at 24; SCE Reply Comments at 14-15.

⁵³ See CAISO 2022-2023 Transmission Planning Process Unified Planning Assumptions And Study Plan (June 30, 2022 Final Revision 1) (CAISO 2022 Study Plan), <http://www.caiso.com/InitiativeDocuments/FinalStudyPlan-2022-2023TransmissionPlanningProcess.pdf#search=2022%2D2023%20Transmission%20Planning%20Process%20Unified%20Planning%20Assumptions%20And%20Study%20Plan> (“Study Plan”) at Section 2.5.1.

⁵⁴ See, e.g., CAISO 2022-2023 Transmission Plan, <https://www.caiso.com/Documents/ISO-Board-Approved-2022-2023-Transmission-Plan.pdf> (“CAISO 2022 TP”) at 11-17.

⁵⁵ Opening Comments of The California Independent System Operator Corporation (CAISO Comments) at 1.

the loads and resources identified by the Commission in response to the CEC's electric load forecasts.⁵⁶ The Commission is deeply involved in the CAISO's transmission planning process.

When a public utility seeks to construct an electric transmission project identified in a Transmission Plan approved by the CAISO Board, it is seeking to construct a project designed to meet the load and resource needs that the Commission identified, and which is based upon expert modeling and analysis of the entire transmission system.⁵⁷ To expedite the Commission's CEQA and permitting review, certain of the findings in the CAISO's Transmission Plan should not be re-visited in the Commission's CEQA process, and a rebuttable presumption should apply to CAISO findings on the availability of preferred resources and the need for the proposed project.

First, the CAISO Transmission Plan identifies the objectives and purpose of the proposed project, *i.e.*, to connect energy resources with forecast load in accordance with FERC-approved mandatory North American Electric Reliability Corporation (NERC) criteria, for economic reasons, or to achieve Policy Requirements as outlined in FERC Order 1000.⁵⁸ The CAISO Plan then identifies a proposed project to meet specific objectives. For example, the "Banta Ring Bus Project" is approved to "mitigate the identified constraints" arising from a "reliability assessment of the PG&E Central Valley planning area in Section B3.3 of Appendix B [that] identified contingencies (P1, P2 and P3) which resulted in overloads on the Vierra-Tracy-Kasson 115 kV line."⁵⁹ The reliability assessment study results for those constraints are found in the CAISO

⁵⁶ SDG&E Comments at 40 (citing https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/integrated-resource-plan-and-long-term-procurement-plan-irp-ltrp/iso-cec_cpuc-memorandum-of-understanding_202212.pdf (MOU at 2-3, Paragraphs 3-7)).

⁵⁷ See, e.g., CAISO 2022 TP at 21.

⁵⁸ See, e.g., CAISO 2022 TP at 18-20 generally and Chapter 2 (reliability driven projects), Chapter 3 (policy driven projects), and Chapter 4 (economic driven projects).

⁵⁹ CAISO 2022 TP at 37.

Plan, Appendix C, while the reliability assessment, including analysis of alternatives to the proposed project that might mitigate the identified reliability issues, is set forth in Appendix B. As set forth in proposed Section IX.C.2.a, these findings should be included in the statement of objectives and any statement of overriding considerations in the Commission’s CEQA document.

Second, through extensive modeling and stakeholder feedback, the CAISO Transmission Plan identifies electrical solutions that allow the transmission system to reliably and efficiently transmit energy from generating resources to forecast load in compliance with reliability criteria, policy goals or for economic reasons. CAISO considers transmission and non-transmission alternatives to address the identified constraints.⁶⁰ CAISO, however, does not identify specific routes for transmission lines or locations for substations. Rather than re-visit CAISO’s analysis of system alternatives, the Commission’s CEQA review should focus on implementation of the CAISO’s electrical solution. As set forth in proposed Section IX.C.2.b, the range of reasonable alternatives considered in the Commission’s CEQA process should be the “no action” alternative

⁶⁰ See, e.g., CAISO, Fifth Replacement FERC Electric Tariff (Open Access Transmission Tariff) Effective as of May 1, 2023 at Sections 24.1 (“Alternatives to transmission solutions are referred to as non-transmission solutions. Solutions to meet an identified need can be either transmission solutions or non-transmission solutions.”); 24.2(d) (“The Transmission Planning Process shall, at a minimum: ... Identify existing and projected limitations of the CAISO Controlled Grid’s physical, economic or operational capability or performance and identify transmission upgrades and additions, including alternatives thereto, deemed needed to address the existing and projected limitations”); 24.3.1(j) (development of CAISO Study Plan will consider “Generation and other non-transmission alternatives that are proposed for inclusion in long-term planning studies as alternatives to transmission additions or upgrades”); 24.3.3 (stakeholders may propose “Generation and other non-transmission alternatives ... as alternatives to transmission solutions”); 24.4.5 (in determining solutions to include in Transmission Plan, CAISO will consider “potential transmission solutions and non-transmission or generation alternatives proposed by interested parties”); 24.4.6.2 (CAISO “shall consider lower cost solutions, such as acceleration or expansion of existing transmission solutions, Demand-side management, Remedial Action Schemes, appropriate Generation, interruptible Loads, storage facilities or reactive support”); 24.4.6.7 (CAISO, in determining whether a particular solution is needed, shall also consider the comparative costs and benefits of viable alternatives to the particular transmission solution, including: ... non-transmission solutions, including demand-side management”).

and different feasible routes or locations to construct the project approved by CAISO. For example, reasonable alternatives would be different routes for a transmission line connecting two substations identified by CAISO, but not a transmission line connecting other substations or some other solution.

Third, the current coordinated transmission planning process includes consideration of the “preferred resources” found in Public Utilities Code § 1002.3⁶¹ in several ways. First, in developing its IRP resource portfolios, the Commission considers energy efficiency, demand-side programs and distributed energy resources (DERs).⁶² The Commission then provides this portfolio to CAISO for use in its TPP.⁶³ Second, CAISO evaluates the availability of such preferred resources to solve identified transmission system constraints.⁶⁴ For example, the CAISO 2022 Study Plan includes Sections 2.6.4 (Self-Generation), 2.7.7 (Distribution Connected Resources Modeling Assumption), and 2.8 (Preferred Resources). Third, CAISO

⁶¹ Public Utilities Code § 1002.3 provides: “In considering an application for a certificate for an electric transmission facility pursuant to [Section 1001](#), the commission shall consider cost-effective alternatives to transmission facilities that meet the need for an efficient, reliable, and affordable supply of electricity, including, but not limited to, demand-side alternatives such as targeted energy efficiency, ultraclean distributed generation, as defined in [Section 353.2](#), and other demand reduction resources.

⁶² In its Order Instituting Rulemaking To Consider Distributed Energy Resource Program Cost-Effectiveness Issues, Data Use And Access, And Equipment Performance Standards, R.22-11-013, the Commission stated: “Energy efficiency, residential photovoltaics (PV), certain demand response resources, and other DERs are included in the IRP via the demand forecast process. Also, some DERs are incorporated in IRP modeling as ‘candidate resources’ that can be selected to meet future grid needs.” *Id.* at 4 n.5.

⁶³ *See, e.g.*, CAISO 2022 TP at 2 n. 5 (“Each year, the CPUC provides a base resource portfolio, that the ISO is expected to use in determining the need for new transmission projects.”).

⁶⁴ CAISO 2022 Study Plan at Section 2.8.1 (“As in the previous planning cycles, reliability assessments in the current planning cycle will consider a range of existing demand response amounts as potential mitigations to transmission constraints. The reliability studies will also incorporate the incremental uncommitted energy efficiency and fuel substitution amounts as projected by the CEC and a mix of preferred resources including energy storage based on the CPUC authorization. These incremental preferred resource amounts are in addition to the base amounts of energy efficiency, demand response and “behind the meter” distributed or self-generation that is embedded in the CEC load forecast.”)

determines whether such preferred resources are an alternative to specific transmission projects to solve specific system constraints.⁶⁵ As noted above, CAISO’s FERC-approved tariff mandates consideration of both transmission and non-transmission alternatives. As set forth in proposed Section IX.C.2.c, there should be a rebuttable presumption that the Commission’s consideration of Public Utilities Code Section 1002.3 “preferred resources” as an alternative to a CAISO-approved project should be limited to the analysis found in the relevant CAISO TP or the base resource portfolio that the Commission gave the CAISO for development of that Plan.

Fourth, the CAISO Transmission Plan, developed through this detailed and transparent process involving the CEC, the Commission and stakeholders, determines that specific transmission projects are needed to remedy identified reliability constraints, meet policy goals, or provide economic benefits. This effort should not be duplicated by the Commission in project-specific CPCN proceedings, but rather, as set forth in proposed Section IX.C.2.d,⁶⁶ the CAISO findings should establish a rebuttable presumption that the public convenience and necessity require project approval. Indeed, if signed by the Governor, AB 1373 (Garcia 2023) requires such a presumption.

For the foregoing reasons, the Settling Parties’ proposed revisions to recognize CAISO transmission planning findings are reasonable.

⁶⁵ Examples of this analysis are found in the CAISO 2022 TP, Appendix B: Reliability Assessment, which contains confidential information and is subject to a non-disclosure agreement. Appendix B includes information about the modeling assumptions for such preferred resources in Sections B.1.3.3 (including energy efficiency and self generation), and B.1.3.5 (preferred resources, energy storage and demand response). Further, Appendix B includes CAISO’s assessment of particular reliability constraints and how to fix them, which include sections entitled “Consideration of Preferred Resources and Energy Storage” that analyze whether preferred resources can resolve the constraint.

⁶⁶ Exhibit 1, Settlement Agreement, Attachment A & B, Section IX.C.2.d.

The Proposed Revisions Are Consistent With Law

The proposed revisions in Section IX.C.2 recognizing the CAISO transmission planning findings are consistent with law. First, under CEQA, the Commission may include CAISO's factual findings regarding a project's objectives and benefits in the Commission's statement of objectives and any statement of overriding considerations. Doing so is consistent with CEQA Guidelines §§ 15124(b) and 15093(b). Nothing in CEQA requires the Commission to ignore such findings and it is reasonable for the Commission to recognize them.

Second, CEQA requires the Commission's EIR to identify a "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" and avoid or lessen its significant effects.⁶⁷ "An EIR need not consider every conceivable alternative to a project."⁶⁸ "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice."⁶⁹ Given CAISO's consideration of both transmission and non-transmission alternatives, based upon the Commission's identification of resources and the CEC's demand forecasts, it is consistent with the "rule of reason" to limit the "range of reasonable alternatives" to alternative routes and locations for the CAISO-approved project, as those are alternatives that "would feasibly attain most of the basic objectives of the project." Moreover, proposed Section IX.C.2.b provides leeway for the Commission to consider public comment that might propose feasible alternatives that were not previously considered.

⁶⁷ 14 Cal. Code Regs. § 15126.6(a).

⁶⁸ *Id.*

⁶⁹ 14 Cal. Code Regs. § 15126.6(f).

Third, Public Utilities Code § 1002.3 is rarely applicable in Commission permitting proceedings because existing public utilities do not need a certificate under Section 1001 for, among other things, “an extension within any city or city and county within which it has lawfully commenced operations,”⁷⁰ or the “extension, expansion, upgrade, or other modification of an existing electrical transmission facility, including transmission lines and substations.”⁷¹ If it is ever applicable, proposed Section XIV.C.2.c simply establishes a rebuttable presumption that the Commission’s consideration is limited to the analysis found in the relevant CAISO Transmission Plan and the Commission’s base resource portfolio. Those sources provide the facts about the availability of Section 1002.3 preferred resources and whether they are feasible alternatives to address the identified transmission constraints. Therefore, the Commission’s consideration of such resources is consistent with Section 1002.3, and nothing constrains the Commission’s discretion following such consideration.

Finally, GO 131-D is the Commission’s creation pursuant to its general statutory authority. The Commission adopted the requirement that projects requiring a CPCN under GO 131-D must be “necessary to promote the safety, health, comfort, and convenience of the public, and ... required by the public convenience and necessity.”⁷² The Commission has authority to find that the CAISO approval of a proposed electric project, based on the TPP required by CAISO’s FERC tariff and resting on the Commission’s IRP base resource portfolio, establishes

⁷⁰ Public Util. Code § 1001(c); *see also* D.20-12-014 at 18 (Section 1001 “has long been construed by the Commission as permitting a utility to construct extensions into an area that it already serves.”); *Marzolf v. PG&E* (1994) 53 CPUC 2d 10 (Section 1001 “does not require a utility to obtain a [CPCN] if the [electrical] facilities to be constructed are an extension of the utility’s existing lines in an area already served by the utility”).

⁷¹ Public Util. Code § 1001(b).

⁷² GO 131-D, § III.A.

that the GO 131-D test is met. Moreover, proposed Section IX.C.2.d only establishes a rebuttable presumption in favor of that finding, leaving the Commission with discretion if compelling evidence to the contrary is presented. The Settling Parties also note that AB 1373, if signed by the Governor, requires such a rebuttable presumption under normal circumstances.

The Proposed Revisions Are In The Public Interest

As set forth above, the Commission, the CEC, CAISO and stakeholders follow a detailed and transparent transmission planning process, based upon expert analysis and modeling of load, resources and the transmission system, that results in the CAISO Transmission Plan approving specific electrical solutions to identified reliability constraints, to meet policy goals or to provide economic benefits. Repeating or second-guessing the analysis and findings in the CAISO Transmission Plans for such projects causes delay in constructing needed electric infrastructure as well as adding to ratepayer costs. The proposed revisions in Section IX.C.2 recognizing the CAISO transmission planning findings will avoid, under normal circumstances, such delay and therefore are in the public interest.

B.2.D. Proposed Revisions Regarding the Imposition of Deadlines for CPUC CEQA Processes

In Section IX.A for CPCN applications and Section IX.B for PTC applications, the Settling Parties propose GO 131-D revisions that set deadlines for (a) determining when an application is “deemed complete” and (b) the Commission to “determine whether to adopt or certify the appropriate CEQA Document and to issue the requested CPCN.”⁷³ The provisions allow Commission staff several opportunities to request additional information before the application is deemed complete, and include five exceptions to the decision deadline, including

⁷³ See Exhibit 1 (Attachment A at Sections IX.A.2 and IX.B.2, Sections IX.A.5 and IX.B.8.

substantial changes in the project or circumstances that may involve new or more severe significant environmental effects. This provision is reasonable based on the whole record, consistent with law, and in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

Setting deadlines for the Commission to act on CPCN and PTC applications is reasonable in light of the whole record. The record in Phase 1 of this proceeding is the parties' comments and replies on the questions presented in Rulemaking 23-05-018.⁷⁴ As discussed therein, the processing time for such applications is long and getting longer. In the Commission's *Guidelines for Energy Project Applications Requiring CEQA Compliance: Pre-filing and Proponent's Environmental Assessments* (November 2019) (CPUC Guidelines), Commission staff presented data on 108 past applications that required review pursuant to CEQA.⁷⁵ Commission staff reported that the time from an application's filing to the time it was deemed complete averaged five months for applications where an environmental impact report (EIR) was prepared and four months where a mitigated negative declaration (MND) was prepared. The time from filing to a final decision averaged 29 months when an EIR was prepared and 19 months when an MND was prepared.⁷⁶

Further, SCE submitted evidence regarding the length of time in the Commission's processing of SCE applications. SCE's findings include the following, in part:

- Over the last 20 years, the average time for the CPUC to review and approve the 28 SCE applications for a CPCN or PTC has been 836 days.

⁷⁴ See Decision 99-10-064 at 8 (record for settlement in rulemaking proceeding was parties' comments and replies on Commission's questions).

⁷⁵ <https://www.cpuc.ca.gov/-/media/cpuc-website/files/legacyfiles/c/6442463239-ceqa-pre-filing-guidelines-pea-checklist-nov-2019.pdf>.

⁷⁶ SDG&E Opening Comments at 13-14 (citing CPUC Guidelines).

- There has been a significant increase in the amount of time it has taken to review and approve an application between 2003-2011 and 2012-2018. For the 20 projects in the earlier timeframe, it took an average of 765 days to review and approve applications, and for the eight projects in the more recent seven years it took an average of 1,013 days to review and approve applications.
- From 2003-2011, the CPUC took an average of 762 days to review and approve six CPCN applications, and from 2012-2018 the CPUC took an average of 1,206 days to review and approve three CPCN applications, an increase of 444 days (i.e., 15 months), or nearly 60%. PTCs played a role, too, as the average time to review and approve PTC applications between the 2003-2011 timeframe and the 2012-2018 timeframe increased from 766 days for 14 PTCs between 2003-2011 to 897 days for five PTCs between 2012-2018. For PTCs with EIRs, however, there was an improvement from 1,121 days for six PTCs with EIRs in the 2003-2011 timeframe to 887 days for four PTCs with EIRs in the 2012-2018 timeframe.⁷⁷

To ensure reliability, connect clean energy resources and allow electrification of buildings and transportation, California must construct many additional transmission facilities and quickly. As stated by the Environmental Defense Fund (EDF): “In adopting Senate Bill 529, the Legislature and Governor Newsom recognized the urgent need for expedited approval of upgrades to existing electrical transmission facilities. The State must achieve an unprecedented build out of new renewable resources, storage, and transmission in order to meet its goals to rapidly decarbonize the electrical grid. ... CAISO’s 20-year Transmission Outlook, created in collaboration with the Commission, and the Commission’s integrated resource planning illustrate the near-term upgrades and long-term expansions needed to achieve SB 100 clean energy objectives reliably and cost-effectively.”⁷⁸

⁷⁷ SCE Opening Comments, Appendix A at A-1 to A-2 & Declaration of David LeBlond.

⁷⁸ EDF Opening Comments at 1; accord, e.g., PG&E Opening Comments at 3.

To accomplish this task, many parties recognized that electric project permitting under GO 131-D must be streamlined and accelerated.⁷⁹ Existing deadlines in GO 131-D⁸⁰ have not accomplished their goal of ensuring timely determinations on application completeness or approval. The length of time it takes for the Commission to render a decision on a CPCN or PTC application not only impacts the electric system’s capability and capacity to provide reliable electrical service, it increases ratepayer costs, including utility overhead and escalation in construction costs. It is reasonable to set more rigorous deadlines that meet California’s needs.

In AB 205 (2022), the Legislature identified a reasonable accommodation between the need to conduct CEQA review and the need to accelerate review of certain clean energy projects. The Legislature granted the CEC the “exclusive power” to certify such facilities and their sites, albeit without modifying this Commission’s jurisdiction.⁸¹ With respect to an application to the CEC for such certification, the Legislature provided:

25545.4. (a) Within 30 days of the submission of the application, the commission shall review the application and make a determination of completeness.

(b) The executive director may require the applicant to submit additional information, documents, or data determined to be reasonably necessary to prepare the environmental impact report for the application and to make a decision on the application. The executive director shall also require the applicant to submit

⁷⁹ See Comments of Environmental Defense Fund (EDF Comments) at 1-2; Public Advocates Office Comments (PAO Comments) at 1, 4; Opening Comments of The Center For Energy Efficiency And Renewable Technologies (CEERT Comments) at 4-13; Opening Comments of Pacific Gas & Electric Company (PG&E Comments) at 3; Southern California Edison Comments (SCE Comments) at 1; Comments Of The Coalition of California Utility Employees (CUE Comments) at 1-2; Opening Comments of LS Power Grid California, LLC (LS Power Comments) at 12; Joint Commenters Comments, at 8; American Clean Power – California Comments (ACP Comments) at 1, 3; Comments of The California Energy Storage Alliance (CESA Comments) at 1; Opening Comments of The Large-Scale Solar Association (LSA Comments) at 1; Opening Comments of The Independent Energy Producers Association (IEPA Comments) at 2; Opening Comments of Rural County Representatives Of California (RCRC Comments) at 1, 4, 8; REV Renewables, LLC Opening Comments (REV Comments) at 3.

⁸⁰ GO 131-D, Section IX.A.2 and IX.B.2 & 5.

⁸¹ AB 205, Section 4, adding Public Resources Code Section 25545.1(a).

additional information requested by trustee agencies for the purposes of supporting a decision on the application and environmental impact report. The executive director shall transmit the request for additional information within 30 days of the submission of the application.

(c) An application is deemed completed as follows:

(1) Thirty days after the submission of the application, if the executive director does not require the submission of additional information pursuant to subdivision (b).

(2) Immediately upon acceptance of the additional information requested by the executive director pursuant to subdivision (b), if the executive director requires the submission of additional information pursuant to subdivision (b).

(d) The executive director may request additional information from the applicant to address comments by public agencies on the scope and content of the information that is required to be included in an environmental impact report for certification. The applicant shall provide to the commission the requested information within 30 days of receiving the request.

(e) (1) Except as provided in paragraph (2), no later than 270 days after the application is deemed complete, or as soon as practicable thereafter, the commission shall determine whether to certify the environmental impact report and to issue a certificate for the site and related facilities pursuant to this chapter.

(2) Paragraph (1) does not apply, and the time to certify the environmental impact report or issue a certificate for the site and related facilities pursuant to this chapter may be extended if one or more of the following occurs:

(A) The commission is required to recirculate the environmental impact report pursuant to Section 15088.5 of Title 14 of the California Code of Regulations.

(B) Substantial changes are proposed in the project that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(C) Substantial changes occur with respect to the circumstances under which the project is undertaken that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(D) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence before the commission publishes the notice of availability pursuant to Section 25545.7.6, is submitted that may require additional analysis and consideration.

(E) The commission, in consultation with the Department of Fish and Wildlife or the State Water Resources Control Board, if applicable, determines that

additional time is necessary to obtain information and conduct surveys, including due to seasonal constraints.⁸²

The Settling Parties propose that the Commission adopt similar deadlines for processing CPCN and PTC applications, as set forth in the Settlement Agreement, Attachments A and B (Section IX.A and B). AB 205 shows that the Legislature deems such deadlines reasonable. The Commission also should find them reasonable.

The Proposed Revisions Are Consistent With Law

The proposed revisions to GO 131-D set forth in the Settlement Agreement, Attachments A and B, Section IX.A and B are consistent with law. The Commission has control over its own processing of applications. CEQA requires that a lead agency has 30 days to review an application for completeness, and the proposed revisions are consistent with that requirement.⁸³ Although the provisions of AB 205 quoted above do not impose time limits upon the Commission, they indicate time limits that the Legislature found reasonable to impose on the CEC in processing certain applications. The proposed revisions to GO 131-D are consistent with AB 205.

The Proposed Revisions Are In The Public Interest

As set forth above, setting deadlines for deeming a CPCN or PTC application complete and deciding whether to approve the application will expedite review of such applications and,

⁸² AB 205, Section 4, adding Public Resources Code § 25545.4.

⁸³ Compare CEQA Guidelines § 15060(a) (“A lead agency is allowed 30 days to review for completeness applications for permits or other entitlements for use”) to Settlement Agreement, Attachment A at Section IX.A.2 (“No later than 30 days after the filing of the application for a permit to construct, the Energy Division shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. ... The application shall be deemed complete (i) 30 days after submission of the application, unless the utility is notified of deficiencies as set forth above; (ii) if the utility is notified of deficiencies as set forth above, then 30 days after the utility submits information in response to such notice unless the utility is notified within that 30 days that previously-identified deficiencies remain ...”).

for approved applications, construction of needed electric infrastructure. This, in turn, will accelerate California's clean energy transition, better assure reliable electric service, improve transmission system planning, and reduce ratepayer costs for such infrastructure. Therefore, the proposed revisions are in the public interest.

B.2.E. Proposed Revisions Regarding Protest Filing, Processing, and Disposition Procedures

The Settling Parties propose revisions to clarify and reinforce the Commission's original intent, when it adopted GO 131-D, that staff-level dispositions of advice letter protests – rather than Commission resolutions – are appropriate in most cases. The proposal reestablishes the Executive Director resolution process, with its shortened deadlines for resolving protests, by providing that, “notwithstanding any provision of any other General Order, the provisions of Section XIII of this General Order (the proposed GO 131-E) shall apply to the filing, processing and disposition of protests to any advice letter submitted pursuant to this General Order.”⁸⁴

The Proposed Revisions Are Reasonable In Light of the Whole Record

The Settling Parties' proposal is reasonable in light of the whole record.

In adopting GO 131-D in 1994, the CPUC recognized the need for a swift process for assessing utility advice letters relating to exemptions from licensing, establishing a clear process for the Executive Director to quickly determine whether any protest to such an advice letter identifies any valid reason to negate a potential exemption.⁸⁵ Section XIII of GO 131-D requires the Executive Director to issue an Executive Resolution within 30 days of a utility's response to

⁸⁴ Joint Settlement Proposal, GO 131-D, Section XI.B (4).

⁸⁵ See GO 131-D, § XIII.

a protest. Section III.B.1 provides that either the Executive Director or the Commission can issue a final determination, and declares that construction cannot begin until they do.

Since 2007, however, when GO 96-B was adopted, that process has lengthened considerably. The order adopting GO 96-B indicated that its processes would apply to all advice letters except those “for which a different process or timeline is specified by statute or by other Commission order.”⁸⁶ Thus, GO 96-B was intended to set up a system for dealing with advice letters that do not otherwise have a process specified by statute or order. Advice letters required under GO 131-D, by contrast, were governed by a different process and timelines as set forth in Sections III.B.1 and XI.B - XIII. Nevertheless, contradicting its own declared statement of where it applied, GO 96-B noted that GO 131-D advice letters fall within Tier 2 of the advice letter requirements,⁸⁷ apparently overriding GO 131-D’s process. Commisison staff has processed GO 131-D protests using the procedures and rules established by GO 96-B since that time. While its timelines are not as short as those in GO 131-D, GO 96-B does allow staff disposition of protests under certain limited circumstances. Commission staff has taken advantage of those provisions when appropriate to issue “non-standard dispositions” of protests.

Recently, the timeline for disposition of GO 131-D protests has gone from bad to worse. Energy Division has begun to elevate all advice letter protests for consideration by Commission vote, going beyond even the process established in GO 96-B. In its General Order 131-D Advice

⁸⁶ Order Adopting GO 96-B, Fourth Interim Opinion Adopting Remaining General Rules And Industry Rules For Energy And Water As Revisions To General Order 96-A (September 2007), at 7; *See also* GO 96-B, § 7.3.1 (“If a statute, Industry Rule, or other Commission order specifically authorizes an advice letter to go into effect on a date different from that otherwise provided by these General Rules, the advice letter shall go into effect on any date (as designated by the utility in the advice letter) that is consistent with the authorization.”)

⁸⁷ GO 96-B, § 5.2, subd. (4).

Letter Submission Guidance and Recommendations (“CPUC AL Guidelines”) issued in September 2021, Commission staff stated unequivocally that all protests must be submitted to the Commission for resolution.⁸⁸ The Guidelines explained the staff’s reasoning:

When a protest is received, it must be resolved by a resolution. While GO 131-D allows for an Executive Resolution issued by the Executive Director to resolve a protest, GO 96-B’s procedures govern and expand specific procedures for advice letter submittal, processing, and resolution by the Energy Division. Specifically, GO 96-B notes that a party to the advice letter may request any disposition resolving a protest taken by the Energy Division be heard by the Commission. When such a request is received, it must be honored, and a formal resolution must be drafted by the Energy Division for hearing and vote by the Commission.

Due to this multi-layered set of resolutions, the Energy Division proactively brings all resolutions resolving protests brought under GO 131-D to be heard and voted upon by the Commission to bring finality to the advice letter’s disposition as quickly as possible.⁸⁹

This is not an “efficiency” that is supported by the utilities or those anxious to get infrastructure projects approved. As noted by several parties, experience has shown that it often takes several months to get a resolution before the Commission.⁹⁰ It is unlikely that any applicant would choose to obtain a Commission resolution if it was not necessary at the outset.

Unfortunately, the same Draconian approach to resolutions shown in the CPUC’s AL Guidelines appears in Commission staff’s Attachment B proposal in this OIR, which would eliminate all Energy Division dispositions under GO 96-B and require a Commission vote on a

⁸⁸ CPUC AL Guidelines, at 3.

⁸⁹ *Id.*

⁹⁰ *See, e.g.*, LS Power Grid California, LLC, Opening Comments at 15 (“This proposed process will have the effect of delaying construction of projects for several months, even if a protest is obviously meritless.”)

resolution anytime there is a protest – regardless of merit. GO 96-B, Rule 7.6.1 provides three limited circumstances where Energy Division staff has authority to dispose of a protest:

Notwithstanding a timely protest, the reviewing Industry Division may approve an advice letter that is subject to disposition under this rule and is otherwise proper, if the protest either (1) is not made on proper grounds as set forth in General Rule 7.4.2, (2) may be rejected on a technical basis as discussed in this rule, or (3) is clearly erroneous.

When Energy Division disposes of a protest on these ground, Rule GO 96-B, Rule 7.6.3 provides for an appeal process to the Commission of such industry dispositions. In Attachment B to the OIR, Commission staff proposed to bypass the industry disposition entirely, sending all protests directly to the Commission under this appeals procedure.⁹¹ To make its intent clear, Attachment B overrides Rule 7.6.3’s exception for industry dispositions,⁹² and specifically provides: “General Order 96-B, Rule 7.6.3 shall govern the process for the protest, *except* construction may not commence unless the Commission has adopted a finding dismissing the protest.” (Emphasis added.) As a result, the proposal requires a resolution adopted by the Commission in all cases – with a finding dismissing the protest – even in circumstances where other provisions of GO 96-B would not require it.

In other words, Commission staff has proposed – in both its CPUC AL Guidelines and its OIR proposals – to eliminate even GO 96-B’s narrow authority for staff to dispose of protests. The result in practical terms is that Commission staff’s position would provide project opponents the guaranteed ability to delay a project by several months simply by filing a protest, regardless of its merits.

⁹¹ Attachment B states: “GO 96-B, Rule 7.6.3 shall govern the process.” (Att. B, § XIII.)

⁹² Rule 7.6.3 begins: “Except for those circumstances in which, as provided in General Rules 5.3, 7.5.1, or 7.6.1, the reviewing Industry Division may approve or reject an advice letter,”

Given this troubling trajectory, the Settling Parties propose to wind back the clock and reinstate the Commission’s original intent that staff-level dispositions of advice letter protests submitted pursuant to GO 131 are appropriate in most cases and that Commission resolutions are rarely necessary. This proposal is reasonable in light of the whole record. At a minimum, Commission staff should avoid a policy of resolving all protests by Commission resolution, and instead incorporate reasonable options for its staff to dispose of protests without one.

The Proposed Revisions Are Consistent With Law

There is no question that the Commission, which under the California Constitution has exclusive power and authority with respect to “all matters cognate and germane to the regulation of public utilities” (Cal. Const., art. XII, § 5; *Pacific Tel & Tel. v. Eshleman* (1913) 166 Cal. 640, 652-660), can determine the procedures it adopts to dispose of protests. The Settling Parties are proposing that the Commission stand by the processes it originally set forth in Section XII and XIII of GO 131-D concerning the filing, processing and disposition of protests so that the intent of the General Order to quickly rule on protests is retained. At the very least, the Commission should encourage staff dispositions whenever possible. These proposed streamlining solutions are consistent with existing law.

The Proposed Revisions Are In The Public Interest

Like other proposals put forth by the Settling Parties, this proposal would enable project applicants to obtain approval and get to construction more quickly, saving ratepayers time and money, and enabling important, urgently needed infrastructure projects to be built to serve the state’s climate change goals. For these reasons, reestablishing a simple and efficient process for Commission staff to dispose of protests to GO 131 advice letters is in the public interest.

B.2.F. Proposed Revisions Regarding Exemption “G” Language Clarifications

The Settling Parties propose to add minor revisions to existing Section III.B.1.g. to clarify the breadth of the long-standing exemption available for utility power line facilities and substations to be located on properties where utilities already have property rights, and in certain corridors designated by government agencies for utility uses. The legacy language in this section of GO 131-D has been interpreted strictly to provide an exemption for franchise, road-widening setback easements or public utility easements only, sometimes to the exclusion of other utility ROWs afforded by different real property instruments. The Settling Parties propose to revise this provision to confirm that the exemption should be available wherever utilities have ROWs.

Additional revisions are also recommended to confirm that this exemption sub-paragraph contains two separate and independent provisions (one involving utility ROWs and one involving a separate exemption available for projects proposed for agency-mapped utility corridors, predicated on that agency’s CEQA analysis that found no significant unavailable impacts for such corridors). By adding the phrase, “power line facilities or substations” to the second prong, which is set off from the first clause by a semi-colon, the Commission would correct a grammatical mistake. These revisions are reasonable in light of the whole record, are consistent with law, and are in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

The proposed revisions to exemption “g” are reasonable. First, the Settling Parties propose to clarify that exemption “g” is applicable to electric facilities to be located “in an existing franchise, road-widening setback easement, or public utility *right of way (ROW) or easement.*” (italicized text added). As noted in SDG&E’s comments, construction of electric infrastructure on lands already disturbed by utilities is less likely to have significant

environmental impacts.⁹³ Most utility ROW is pursuant to an easement, but it is the fact that it is a utility right of way that is important, not the legal instrument creating the ROW. How the utility came to possess that property is immaterial; the key point is that given the presence of an existing ROW, new facilities are less likely to lead to significant impacts in such locations compared to non-utility areas.⁹⁴ This clarification is reasonable.

Second, the Settling Parties propose to add “power line facilities or substations” to the second clause simply to clarify that, despite the semi-colon separating the first clause from the second clause, the exception still applies to “power line facilities or substations.”

Third, the existing exception exempts power line facilities or substations in certain utility corridors for which “a final Negative Declaration or EIR finds no significant unavoidable environmental impacts.” The Settling Parties propose to clarify that this prong of the exception also applies to such finding in a Mitigated Negative Declaration.

These non-substantive clarifications are reasonable to provide clarity and avoid confusion.

The Proposed Revisions Are Consistent With Law

The proposed revisions are consistent with the law and would add certainty regarding interpretations of legacy GO 131-D language. For example, including any type of utility ROW within the scope of the exemption would be consistent with the Commission’s intent in adopting exemptions for areas already set aside for utility use, as described in the original decision adopting GO 131-D.⁹⁵ It would also be consistent with the Garamendi Principles, which

⁹³ SDG&E Opening Comments at 36.

⁹⁴ GO 131-D section III.B.2. sets forth additional safeguards to ensure that projects do not qualify for exemptions where particular factors might lead to significant impacts.

⁹⁵ See D.94-06-014, § K.1.c (5).

generally encourage development of utility facilities within existing utility ROWs so as to minimize overall impacts to the environment by gathering utility facilities near each other.⁹⁶

The addition of the Settling Parties’ proposed phrase “power line facilities or substations” to specify a start of a new clause about mapped corridors—as distinct from other ROWs—would provide additional language to further substantiate the different applications of these exemptions. Similarly, adding Mitigated Negative Declaration as one of the CEQA document that may contain the required finding is consistent with the Commission’s intent.

The Proposed Revisions Are In The Public Interest

Clarifying the scope of these exemption provisions would be in the public interest because it would help accelerate development of utility facilities in the areas most logical for them to be developed and least likely to cause significant environmental impacts. Those areas include ROWs already established by the utility for that very type of land use. Numerous policy and legal precedents exist for bringing utility uses together, both as a way to minimize environmental impacts and reduce overall ratepayer costs. Such areas would be prime candidates for rapid deployment of new infrastructure, and confirmation of exemption language to support that deployment is in the public interest.

B.2.G. Proposed Revisions Regarding Miscellaneous Updates and General References

The Settling Parties propose revisions throughout GO 131-D to: a) update references to Rules of Practice and Procedure that have been revised and/or renumbered since GO 131-D was last modified in 1995; b) reflect new statutes governing utility facilities; and c) accurately reflect the renaming of the “Commission’s Advisory and Compliance Division” to “Energy Division.”

⁹⁶ Senate Bill 2431, Stats. 1988, Ch. 1457.

The Settling Parties also propose revisions to Section VII and XI to reflect modern technological advances (*e.g.*, authorizing applicants to provide electronic copies, rather than hard copies, of certain application documents). These revisions are reasonable in light of the whole record, are consistent with law, and are in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

Not a single party has opposed updating the references in GO 131 to reflect present-day reality. GO 131-D has not been amended for over 25 years, and many changes have been made in the CPUC's Rules of Practice and Procedure, the statutes and general orders governing utilities in California, and the naming of the institutions involved. Technological changes have made paper copies, especially multiple copies, obsolete. Updating the General Order to reflect these changes is reasonable in light of the whole record; it will correct and provide clarity to the requirements in the General Order, making it more understandable to both the regulated utilities and the regulators, as well as the public it is designed to serve.

The Proposed Revisions Are Consistent With Law

The miscellaneous revisions proposed by the Settling Parties do not make material changes; rather, they add clarity and update correct incorrect references. For this reason, they are consistent with governing law.

The Proposed Revisions Are In The Public Interest

These common-sense clarifications and revisions to outdated references to the General Order will provide clarity and avoid any future confusion. In addition, the updates to incorporate modern technological advances will reduce ratepayer costs and reflect environmental awareness by reducing requirements for needless paper copies. As indicated by the lack of opposition by any party to these provisions, the proposed miscellaneous provisions promote the public interest.

B.2.H. Proposed Revisions Necessary to Implement New Legislation

In mid-September 2023, as mentioned above, SB 420 (Becker), SB 619 (Padilla), and AB 1373 (Garcia) were adopted by the legislature just prior to the end of the legislative session. If one or more of SB 420, SB 619, and AB 1373 become(s) law, the Settling Parties propose that the Commission adopt Attachment A, Attachment B, or a combination of the two, as appropriate in order to incorporate these new laws into the version of GO 131 which the Commission must implement no later than January 1, 2024. Regardless which components are appropriate, each of the proposed revisions contained within both Attachment A and Attachment B are reasonable in light of the record as a whole, consistent with existing law, and in the public interest.

The Proposed Revisions Are Reasonable In Light of the Whole Record

First, the proposed revisions necessary to implement SB 420, SB 619, and AB 1373 are reasonable in light of the record as a whole because they will help to facilitate and streamline the delivery of clean energy resources to the power grid and lower the costs of achieving state clean energy goals, in line with the purpose and intent of not only SB 420, SB 619, and AB 1373, but also SB 529. Additionally, during the Opening and Reply Comment period, numerous parties referenced the need to consider the potential effects of pending legislation, with one specifically referencing SB 420 and SB 619.⁹⁷

The Proposed Revisions Are Consistent With Law

Second, if one or more of SB 420, SB 619, and AB 1373 become(s) law, the relevant proposed revisions which correspond with the new law(s) will, as a result, be consistent with the same. In addition, SB 420 specifically directs the Commission to adopt revisions to GO 131-D

⁹⁷ CUE Comments, at 8.

to implement the new legislation, so adoption of the Settling Parties' recommendations in that regard would hasten the Commission's compliance with the Legislature's directive.

The Proposed Revisions Are In The Public Interest

Third, the proposed revisions are in the public interest as they will streamline the review and approval process for energy infrastructure projects and facilitate California's clean energy transition, in accordance with the provisions of SB 420, SB 619, and AB 1373.

SB 420 establishes that all new or existing projects up to 138 kV that are located on disturbed land, in an urbanized area or where previously studied in a CEQA document do not need discretionary permits from the CPUC—exempting those projects from the PTC or CPCN process and Commission CEQA review unless specified environmental conditions are present. Utility infrastructure on disturbed land or other areas surrounded by urban development is less likely to lead to significant environmental impacts than development in entirely native or undeveloped areas. This is consistent with rationales supporting existing exemption set forth in GO 131-D section III.B.1.g. for projects in the PTC category. It also reflects a common-sense understanding that where a project has undergone CEQA review as part of a larger project, duplicating that CEQA review would be inefficient and useless, as reflected in existing GO 131-D section III.B.1.f. In order to implement the language of SB 420, in the manner in which the Legislature intended—faithfully, and without substantive modification—the Settling Parties have included revisions which add Section III.C to the GO. The Settlement Agreement revisions implementing SB 420 practically verbatim will pave the way for more rapid development of a greater number of power lines without the need for lengthy Commission review compared to the prior threshold voltage of 50 kV.

Similarly, SB 619 (1) creates an optional path for utility transmission projects above 138kV to have CEQA review completed by the CEC, and (2) imposes a 270-day timeframe in which the CEC must complete CEQA review for renewable development projects. As with the benefits (discussed above) related to the Settling Parties' proposed revisions regarding application timelines, the Settlement Agreement revisions implementing SB 619 will "...expand the CEC's alternative opt-in certification process to ensure faster review of key projects without sacrificing critical economic and environmental analyses of those projects.

AB 1373 establishes a "rebuttable presumption" that, once a project is deemed necessary during the CAISO's Transmission Planning Process ("TPP"), the CPUC should accept that determination of need. The Settlement Agreement revisions implementing AB 1373 will eliminate duplicative analyses of a project's purpose and need, further streamlining the project review and approval process. As articulated throughout this Motion, before California can accomplish its clean energy goals, a large number of energy transmission projects, and other energy infrastructure projects, must be approved, built, and brought on-line as quickly as possible.

Based upon the foregoing reasons, the proposed revisions which are necessary to implement SB 420, SB 619, and AB 1373 are unquestionably in the public interest.

VI. CONCLUSION

As demonstrated above, the Settlement Agreement, and each of the recommendations provided therein, are reasonable in light of the whole record, consistent with law, and in the public interest. For these reasons, the Settling Parties respectfully request that the Commission approve either Settlement Agreement Option A, or Settlement Agreement Option B, without modification—depending upon whether Governor Newsom does or does not sign SB 420, SB 619, and AB 1373 into law—thereby incorporating each and every revision set forth within the

chosen option into the version of GO 131 which the Commission must implement no later than January 1, 2024.⁹⁸

Respectfully submitted,

WALTER C. WAIDELICH

/s/ Walter C. Waidelich
By: Walter C. Waidelich

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Date: September 29, 2023

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Date: September 29, 2023

⁹⁸ Each of the Settling Parties expressly reserves its rights to take positions contrary to the positions taken and arguments made in this Motion if the Commission does not approve the Settlement Agreement without modification.

ATTACHMENT 1

Settlement Agreement

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

Order Instituting Rulemaking to Update and
Amend Commission General Order 131-D.

R.23-05-018

**SETTLEMENT AGREEMENT REGARDING PHASE 1 REVISIONS TO
GENERAL ORDER 131-D**

Pursuant to California Public Utilities Commission's Rules of Practice and Procedure, Rule 12.1, San Diego Gas & Electric Company (SDG&E), Pacific Gas and Electric Company (PG&E), Southern California Edison Company (SCE), Bear Valley Electric Service, Inc., Liberty Utilities (CalPeco Electric) LLC, PacifiCorp, American Clean Power, Independent Energy Producers Association, Center for Energy Efficiency and Renewable Technologies, Environmental Defense Fund, LS Power Grid California LLC, REV Renewables, LLC, Large-Scale Solar Association, California Energy Storage Alliance (CESA), the City of Long Beach, California, a municipal corporation acting by and through its Board of Harbor Commissioners, Horizon West Transmission, LLC, Trans Bay Cable LLC, and GridLiance West LLC (collectively, the Settling Parties) enter into this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D (Settlement Agreement), submitted for Commission consideration in Order Instituting Rulemaking to Update and Amend Commission General Order 131-D, Rulemaking 23-05-018 (GO 131-D OIR). The Settling Parties believe that the Settlement Agreement is reasonable in light of the whole record, consistent with law, and in the public interest.

BACKGROUND

Senate Bill (SB) 529 (Hertzberg; Stats. 2022, Ch. 357), codified at Pub. Util. Code Section 564, requires the Commission to update GO 131-D to reflect SB 529 by January 1, 2024.

The Commission opened the GO 131-D OIR “to update and amend GO 131-D pursuant to Senate Bill 529 and to make other necessary changes.” OIR 23-05-018 at 1. The July 31, 2023 Assigned Commissioner’s Scoping Memo and Ruling divided the proceeding into Phase 1 and Phase 2, stating: “Phase 1 shall consider what changes to GO 131-D are necessary to conform it to the requirements of SB 529 and to update outdated references. Phase 1 shall be considered on an expedited basis to ensure compliance with the SB 529 deadline. Phase 2 shall consider all other changes to GO 131-D, including the changes proposed in attachments to the OIR, changes proposed by parties in comments on the OIR, and any additional changes that may be proposed by Commission staff or parties during the course of this proceeding.” *Id.* at 4-5.

SETTLEMENT TERMS AND CONDITONS

The Settling Parties agree to the following terms and conditions:

1. The Settling Parties believe that the Commission’s Phase 1 decision can and should include additional revisions to GO 131-D that will streamline the Commission’s permitting process effective January 1, 2024. The Settling Parties submit that the revisions to GO 131-D set forth in Attachment A hereto will comply with SB 529, update outdated references, expedite and reduce the costs of permitting electric projects subject to GO 131-D, and thereby help California achieve its goals to transition to clean electricity while providing reliable and resilient electric service. Therefore, the Settling Parties agree that the Commission’s adoption of the revisions to GO 131-D set forth in Attachment A is reasonable in light of the whole record, consistent with law, and in the public interest.
2. The Settling Parties also are aware that the California Legislature has passed Assembly Bill 1373 (Garcia 2023), Senate Bill 420 (Becker 2023) and Senate Bill 619 (Padilla

2023). As of the date that this Settlement Agreement is signed, the Settling Parties are not aware whether the Governor has signed such legislation. If such legislation becomes law, then the Settling Parties agree that the Commission's adoption of the revisions to GO 131-D set forth in Attachment B, which includes revisions that incorporate the new legislation, is reasonable in light of the whole record, consistent with law, and in the public interest.

3. This Settlement Agreement is limited to the revisions to GO 131-D set forth in Attachment A and Attachment B, and is not a waiver of any party's rights to advocate for additional revisions to GO 131-D (or the iteration of GO 131 that exists after January 1, 2024) that are consistent with the revisions to GO 131-D set forth in Attachments A and B. This Settlement Agreement is not intended to address other issues that arise in Phase 2 of the GO 131-D OIR, and all parties retain their rights to take any position on such issues that is not inconsistent with the revisions to GO 131-D set forth in Attachments A and B.
4. If this Settlement Agreement is not adopted by the Commission, each Settling Party retains the right to advocate for any revisions to GO 131-D, including the revisions reflected in Attachments A and B. There are no separate agreements between the settling parties that relate to issues in this Settlement Agreement but are not disclosed in this Settlement.
5. This Settlement Agreement embodies compromises of the Settling Parties' positions in this proceeding. No individual term of this Settlement Agreement is assented to by any Settling Party, except in consideration of the other Settling Parties' assents to all other terms. Any party may withdraw from this Settlement Agreement if the Commission

modifies, deletes from, or adds to the disposition of the matters settled herein. The Settling Parties agree, however, to negotiate in good faith with regard to any Commission-ordered changes in order to restore the balance of benefits and burdens, and to exercise the right to withdraw only if such negotiations are unsuccessful. The terms and conditions of this Settlement Agreement may only be modified in writing subscribed by all Settling Parties.

6. Each of the clauses of this Settlement Agreement are distinct and severable. Should any clause be deemed illegal, void, or unenforceable, said determination shall not affect the validity, legality, or enforceability of any other clause or portion of this Settlement Agreement.
7. The Settling Parties agree that this Settlement Agreement may be executed electronically or in one or more counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same document. Each undersigned representative of the parties certifies that he or she is fully authorized to enter into the terms and conditions of this Settlement Agreement.

DATED this 29th day of September 2023, at San Diego, California.

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

SAN DIEGO GAS & ELECTRIC COMPANY (“SDGE”)

DocuSigned by:
By: Walter C. Waidelich
Walter C. Waidelich

Title: Senior Regulatory Counsel

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

SOUTHERN CALIFORNIA EDISON COMPANY (“SCE”)

DocuSigned by:
By: Mike Backstrom
Name Mike Backstrom

Title: Vice President, Regulatory Affairs

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

PACIFIC GAS AND ELECTRIC COMPANY (“PGE”)

DocuSigned by:
By: David Kraska
5310859C2B8E0A71
Name David Kraska

Title: Chief Counsel, Environmental

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

BEAR VALLEY ELECTRIC SERVICE, INC., LIBERTY UTILITIES (CALPECO ELECTRIC) LLC, AND PACIFICORP

DocuSigned by:
By: Jedediah Gibson
F5A1F9369DD8F718C
Name Jedediah Gibson

Title: Attorney for Bear Valley Electric Service, Liberty Utilities, and PacificCorp

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

AMERICAN CLEAN POWER

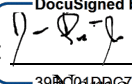
By:  _____
Name Alex Jackson

Title: Director, California State Affairs

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

INDEPENDENT ENERGY PRODUCERS ASSOCIATION

DocuSigned by:
By: 
Name: Jean Smutny-Jones

Title: CEO, Independent Energy Producers

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

CENTER FOR ENERGY EFFICIENCY AND RENEWABLE TECHNOLOGIES

DocuSigned by:
By: V. John White
C390766F05B74B8 John white
Name

Title: Executive Director

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

ENVIRONMENTAL DEFENSE FUND

DocuSigned by:
By: Michael Colvin
Michael Colvin
Name

Title: Director, California Energy Program

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

LS POWER GRID CALIFORINA LLC

DocuSigned by:
By: Mark D. Milburn
Name: Mark D. Milburn
6FA449E773945B...

Title: Senior Vice President

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

REV RENEWABLES, LLC

DocuSigned by:
By: Rena Steichen
Name Rena Steichen

Title: Director of Regulatory Affairs

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

**HORIZON WEST TRANSMISSION, LLC, TRANS BAY CABLE LLC, AND
GRIDLIANCE WEST LLC**

DocuSigned by:
By: Tracy C. Davis
Name Tracy C. Davis

Title: Managing Attorney

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

LARGE SCALE SOLAR ASSOCIATION

DocuSigned by:
By: Shannon Eddy
2023.09.29 14:04 PST
Name Shannon Eddy

Title: Executive Director

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

CALIFORNIA ENERGY STORAGE ALLIANCE (CESA)

DocuSigned by:
By: Rachel McMahon
Name: Rachel McMahon

Title: Vice President, Policy

Date: 9/29/2023

The undersigned represents that they are authorized on behalf of the Settling Party to sign this Settlement Agreement Regarding Phase 1 Revisions to General Order 131-D in Rulemaking 23-05-018

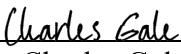
THE CITY OF LONG BEACH, CALIFORNIA, a municipal corporation, acting by and through its Board of Harbor Commissioners

DocuSigned by:
By: 
57463558D6C4347
Mario Cordero

Title: Chief Executive Officer
Long Beach Harbor Department

Date: 9/29/2023

The foregoing document is hereby approved as to form.

Dawn McIntosh, City Attorney
DocuSigned by:
By: 
Charles Gale

Title: Principal Deputy / Deputy

Date: 9/29/2023

ATTACHMENT A

Proposed Revisions to GO 131-D To Comply with SB 529 and Further Modifications

GENERAL ORDER NO.131-~~DE~~
(Supersedes General Order No. 131-~~CD~~)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES RELATING TO THE PLANNING AND CONSTRUCTION OF ELECTRIC
GENERATION, TRANSMISSION/POWER/DISTRIBUTION LINE FACILITIES AND
SUBSTATIONS LOCATED IN CALIFORNIA.

Adopted ~~June 8, 1994.~~ 2023. Effective ~~July 8, 1994~~ January 1, 2024
Decision ~~94-06-01423-12-~~
~~Modified August 11, 1995. Effective September 10, 1995.~~
~~Decision 95-08-038~~

SECTION I. GENERAL

Pursuant to the provisions of Sections 451, 564, 701, 702, 761, 762, 768, 770, and 1001
of the Public Utilities Code:

IT IS HEREBY ORDERED that except as specifically provided herein, no
electric public utility, now subject, or which hereafter may become
subject, to the jurisdiction of this Commission, shall begin construction in
this state of any new electric generating plant, or of the modification,
alteration, or addition to an existing electric generating plant, or of electric
transmission/power/distribution line facilities, or of new, upgraded or
modified substations without first complying with the provisions of this
General Order.

For purposes of this General Order, a transmission line is a line designed
to operate at or above 200 kilovolts (kV). A power line is a line designed
to operate between 50 and 200 kV. A distribution line is a line designed to
operate under 50 kV.

SECTION II. PURPOSE OF THIS GENERAL ORDER

The Commission has adopted these revisions to this General Order to be responsive to:

- the requirements of the California Environmental Quality Act (CEQA) (Public Resources (Pub. Res.) Code § 21000 et seq.; and Senate Bill No. 529 (Hertzberg 2022));
- the need for public notice and the opportunity for affected parties to be heard by the Commission;

- the obligations of the utilities to serve their customers in a timely and efficient manner; ~~and~~
- the need to replace the present complaint treatment of under-200-kV projects with a new streamlined review mechanism-;
- changes in statutes, rules and regulations, and transmission planning coordination, that have occurred since the last update in 1994;

SECTION III. NEED FOR COMMISSION AUTHORIZATION

For purposes of this General Order, construction does not include any installation of environmental monitoring equipment, or any soil or geological investigation, or work to determine feasibility of the use of the particular site for the proposed facilities, which do not result in a serious or major disturbance to an environmental resource.

A. Certificate of Public Convenience and Necessity (CPCN)

No electric public utility shall begin construction in this state of any new electric generating plant having in aggregate a net capacity available at the busbar in excess of 50 megawatts (MW), or of the modification, alteration, or addition to an existing electric generating plant that results in a 50 MW or more net increase in the electric generating capacity available at the busbar of the existing plant, or of major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more (except for the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing power line facilities, the conversion of existing overhead lines to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built) without this Commission's having first found that said facilities are necessary to promote the safety, health, comfort, and convenience of the public, and that they are required by the public convenience and necessity.

Where a public utility seeks to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities (including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements) that would require a certificate of public convenience and necessity under this Section III.A, the electric public utility may instead elect to file a permit-to-construct application or claim an exemption under Section III.B for such facilities, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.

B. Permit to Construct

No electric public utility shall begin construction in this state of any electric power line facilities or substations which are designed for immediate or eventual operation at any voltage between 50 kV or 200 kV, or new or upgraded substations with high side voltage exceeding 50 kV, without this ~~Commission's~~ Commission having first authorized the construction of said facilities by issuance of a permit to construct in accordance with the provisions of Sections IX.B, X, and XI.B of this General Order. An upgraded substation is one in which there is an increase in

substation land area beyond the existing utility-owned property or an increase in the voltage rating of the substation above 50 kV. Activities which increase the voltage of a substation to the voltage for which the substation has been previously rated are deemed to be substation modification projects and not substation upgrade projects.

1. Compliance with Section IX.B is not required for:
 - a. power line facilities or substations with an in-service date occurring before January 1, 1996, which have been reported to the Commission in accordance with the Commission's decision adopting GO 131-D.
 - b. the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.
 - c. the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.
 - d. the conversion of existing overhead lines to underground.
 - e. the placing of new or additional conductors, insulators, or their accessories on supporting structures already built.
 - f. power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.
 - g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility right of way (ROW) or easement; or power line facilities or substations in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, State, or local agencies for which a final Negative Declaration ~~or EIR, Mitigated Negative Declaration, or Environmental Impact Report (EIR)~~ finds no significant unavoidable environmental impacts.
 - h. the construction of projects that are statutorily or categorically exempt pursuant to § 15260 et seq. of the Guidelines adopted to implement the CEQA, 14 Code of California Regulations§ 15000 et seq. (CEQA Guidelines).

However, notice of the proposed construction of such facilities must be made in compliance with Section XI.B herein, except that such notice is not required for the construction

of projects that are statutorily or categorically exempt pursuant to CEQA Guidelines. If a protest of the construction of facilities claimed by the utility to be exempt from compliance with Section IX.B is timely filed pursuant to Section XIII, construction may not commence until the Executive Director or Commission has issued a final determination.

2. The foregoing exemptions shall not apply when any of the conditions specified in CEQA Guidelines § 15300.2 exist:
 - a. there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
 - b. the cumulative impact of successive projects of the same type in the same place, over time, is significant; or
 - c. there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

C. Electric Distribution Lines and Other Substations

The construction of electric distribution (under 50 kV) line facilities, or substations with a high side voltage under 50 kV, or substation modification projects which increase the voltage of an existing substation to the voltage for which the substation has been previously rated within the existing substation boundaries, does not require the issuance of a CPCN or permit by this Commission nor discretionary permits or approvals by local governments. However, to ensure safety and compliance with local building standards, the utility must first communicate with, and obtain the input of, local authorities regarding land use matters and obtain any non-discretionary local permits required for the construction and operation of these projects.

SECTION IV. UTILITY REPORT OF LOADS AND RESOURCES

Every electric public utility required to submit a report of loads and resources to the California Energy Commission (CEC) in accordance with Section 25300 et seq. of the Public Resources Code shall also furnish ~~six copies~~ a copy of its report to the Public Utilities Commission.

SECTION V. UTILITY REPORT OF PLANNED TRANSMISSION/ POWER LINE, AND SUBSTATION FACILITIES

Every electric public utility shall annually, on or before March 1, furnish to the Commission's ~~Advisory and Compliance~~ Energy Division (~~CACD~~) ~~for its review three (3) copies of~~ Energy Division a fifteen-year 15 forecast of planned transmission facilities of 200 kV or greater and a five-year (5) forecast of planned power line facilities and substations of between 50 kV and 200 kV.

- A. The report shall include:
 1. A list of transmission, power lines, and substations, arranged in chronological order by the planned service date, for which a CPCN or a

~~+ copy to be stored in the CACD Annual Reports Section.~~

permit to construct has been received, but which have not yet been placed in service.

2. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which proposed route or corridor reviews are being undertaken with governmental agencies or for which applications have already been filed.
3. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which planning corridor or route reviews have not started, which will be needed during the forecast periods.

B. For each transmission or power line route, substation, or planning corridor included in the above lists, the following information, if available, shall be included in the report:

1. Planned operating date.
2. Transmission or power line name.
3. The terminal points (substation name and location).
4. Number of circuits.
5. ~~Voltage~~Voltages -kV.
6. Normal and emergency continuous operating ratings - MVA.
7. Length in feet or miles.
8. Estimated cost in dollars as of the year the report is filed.
9. Cities and counties involved.
10. Other comments.

SECTION VI. UTILITY REPORT OF INFORMATION REGARDING FINANCING OF NEW ELECTRIC GENERATING AND TRANSMISSION CAPACITY

Every electric public utility shall biennially, on or before June 1 of every odd numbered year, furnish a report to the Commission of the financial information designated in Appendix A hereto; provided however, that no public utility shall be required to submit such financial information if such utility does not plan for a fifteen-year (15) period commencing with the year in which the financial information is to be filed to (1) construct within the State of California any new electric generating plant having in the aggregate a net capacity in excess of 50 MW, or (2) modify, alter, or add to any existing electric generating plant that results in a 50 MW, or more,

net increase in the electric generating capacity of an existing plant within the State of California, or (3) construct in California any electric transmission line facilities which are designed for immediate or eventual operation at any voltage in excess of 200 kV (except for the replacement or minor relocation of existing transmission line facilities, or the placing of additional conductors, insulators or their accessories on, or replacement of, supporting structures already built).

SECTION VII. ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

If an electric public utility proposes to construct electric generating and related transmission facilities which are subject to the power plant siting jurisdiction of the CEC as set forth in Section 25500 et seq. of the Public Resources Code, it shall comply with the following procedure:

- A. In accordance with Public Resources Code Section 25519(c) and Public Utilities Code Section 1001, ~~the CEQA~~, and this Commission's Rules of Practice and Procedure No. 17.1 ~~Nos. 2.4 and 2.5~~ do not apply to any application filed pursuant to this section.
- B. Upon acceptance of an electric utility's Notice of Intent (NOI) filing by the CEC, the utility shall ~~mail six copies~~ provide a copy of the NOI to the Executive Director of this Commission.
- C. When an electric utility files with the CEC an application for a certificate to construct (AFC) an electric generating facility pursuant to Section 25519 of the Public Resources Code and any AFC regulations of the CEC, it shall ~~mail six copies~~ electronically provide a copy of the AFC, including ~~six copies~~ a copy of the CEC's Final Report in the NOI proceeding for the facility, to the Executive Director of this Commission.
- D. No later than 30 days after acceptance for filing of the AFC referred to above in Subsection C, the utility shall file with this Commission an application for a CPCN. The application shall comply with this Commission's Rules of Practice and Procedure, ~~specifically Rules 2 through 8, 15, and 16~~, and shall include the data and information set forth in Appendix B hereto. In complying with this provision, the utility may include portions of the CEC's Final Report in its NOI proceeding by attaching such portions as an appendix to its application filed with this Commission. The utility may also include portions of the AFC filed with the CEC by reference. A copy of the application shall be ~~mailed~~ provided to the CEC and to every person, corporation, organization, or public agency that has intervened in the CEC's AFC proceeding.
- E. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any

deficiencies within 60 days thereafter, or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, any public hearings which are necessary may be held on the application while the utility's AFC application is under process before the CEC. The Commission may issue an interim decision on the application before the issuance by the CEC of a final decision in the AFC proceeding. However, any such interim decision shall not be final and shall be subject to review after the CEC issues its final decision in the AFC proceeding as prescribed in Public Resources Code Sections 25522 and 25530.

- F. No later than 30 days after issuance of a certificate by the CEC in a final decision in the utility's AFC proceeding in accordance with Public Resources Code Sections 25209, 25522, and 25530 the Commission shall issue a decision on the application for a CPCN from this Commission, unless a later date for issuance of the decision is mutually agreed to by the Commission and the applicant, or is necessitated by conditions under Paragraph G.
- G. In the event that the CEC's certificate in the AFC proceedings sets forth requirements or conditions for the construction of the proposed electric generating facility which were not adequately considered in the proceeding before the Commission, and which will have a significant impact on the economic and financial feasibility of the project, or the rates of the utility, or on utility system reliability, the utility, or Commission staff, or any party, may request that the Commission hold a public hearing on such implications. Any such hearing, if granted, shall be initiated no later than 30 days after the filing of any such request. It is the intent of this Commission that a final decision shall be issued within 90 days after conclusion of the hearing, if held.
- H. In the event that judicial review of the CEC's issuance of a certificate in the AFC proceeding is sought in any court, the utility shall immediately notify this Commission and include a copy of the court filing.

SECTION VIII. ELECTRIC GENERATING FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

An electric public utility proposing to construct in this state new generation facilities in excess of 50 MW net capacity, available at the busbar or proposing to modify an existing generation facility in this state in order to increase the total generating capacity of the facility by 50 MW or more net capacity available at the busbar, shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period for exceptional circumstances.

- A. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure, ~~specifically Rules 2 through 8, 15, and 16.~~ In addition, it shall include or have attached to it the following:

1. The information and data set forth in Appendix B.
2. A statement of the reasons why and facts showing that the completion and operation of the proposed facility is necessary to promote the safety, health, comfort, and convenience of the public.
3. Safety and reliability information, including planned provisions for emergency operations and shutdowns.
4. A schedule showing the program for design, material acquisition, construction, and testing and operating dates.
5. Available site information, including maps and description, present, proposed, and ultimate development; and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population, and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected.
6. Design information, including description of facilities, plan efficiencies, electrical connections to system, and description of control systems, including air quality control systems.
7. A Proponent's Environment Assessment (PEA) on the environmental impact of the proposed facility and its operation so as to permit compliance with the requirements of CEQA and this Commission's ~~Rule of Practice and Procedure 17.1 and 17.3. If a PEA is filed, it may include the data described in Items 1 through 6, above.~~ Rules of Practice and Procedure 2.4 and 2.5. If a PEA is filed, it may include the data described in Items 1 through 6, above. Notwithstanding the foregoing, an applicant may elect to prepare and submit with its application, in lieu of a PEA, a draft environmental impact report, draft mitigated negative declaration, draft negative declaration, draft addendum, or analysis of the applicability of an exemption from CEQA (each a CEQA Document). Energy Division may provide the applicant with appropriate guidance and assist in the preparation of the draft CEQA Document. Before using a draft CEQA Document prepared by the applicant, the Commission shall subject the draft to its independent review and analysis. Any draft CEQA Document sent out for public review shall reflect the independent judgment of the Commission.

- B. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, the commission staff shall determine whether CEQA applies, and if so, whether a

Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA ~~and Commission Rule 17.1~~ will be followed in addition to the Commission's standard decision-making process for applications. The Commission shall issue a decision within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act).

SECTION IX. TRANSMISSION LINE, POWER LINE, AND SUBSTATION FACILITIES

A. Transmission Line Facilities of 200 kV and Over

An electric public utility desiring to build transmission line facilities in this state ~~for immediate or eventual operation in excess of 200 kV~~ that require a CPCN under Section III.A above shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances.

1. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure ~~2 through 8, 15, and 16~~ and shall also include the following:
 - a. A detailed description of the proposed transmission facilities, including the proposed transmission line route and alternative routes, if any; proposed transmission equipment; such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc.; and a proposed schedule for certification, construction, and commencement of operation of the facilities.
 - b. A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.
 - c. A statement of facts and reasons why the public convenience and necessity require the construction and operation of the proposed transmission facilities.
 - d. A detailed statement of the estimated cost of the proposed facilities.
 - e. Reasons for adoption of the route selected, including comparison with alternative routes, including the advantages and disadvantages of each.
 - f. A schedule showing the program of right-of-way acquisition and construction.

- g. A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.
- h. ~~A~~Except as set forth in Section IX.C.1 below, a PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission's ~~Rule~~Rules of Practice and Procedure, Rules ~~17-12.4~~ and ~~17-32.5~~. If a PEA is filed, it may include the data described in Items a through g above.

2. No later than 30 days after the filing of the application the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter, or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. ~~Upon correction~~The application shall be deemed complete (i) 30 days after submission of any deficiencies in the application, unless the utility is notified of deficiencies as set forth above; (ii) if the utility is notified of deficiencies as set forth above, then 30 days after the utility submits information in response to such notice unless the utility is notified within that 30 days that previously-identified deficiencies remain; or (iii) immediately upon the Commission's determination that any additional information requested by Commission staff has been provided, whichever comes first.

3. Once the application is deemed complete, the Commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration, Mitigated Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA and Commission Rules of Practice and Procedure ~~17-12.4 and 2.5~~ will be followed in addition to the Commission's standard decision-making process for applications. ~~The~~Unless required sooner by Paragraph 5 below, the Commission shall issue a decision within the time limits prescribed by Government Code Sections 65920 et seq. (the Permit Streamlining Act).

2.4. The Commission may request additional information from the utility to address comments by public agencies on the scope and content of the information that is required to be included in a CEQA Document. The utility shall provide to the Commission the requested information within 30 days of receiving the request.

5. Unless a shorter time period is required by state law, no later than 270 days after the application is deemed complete, or as soon as practicable thereafter, the Commission shall determine whether to adopt or certify the appropriate CEQA Document and to issue the requested CPCN; provided, however, the time to determine whether to adopt or certify the appropriate CEQA Document and issue the requested CPCN may be extended if one or more of the following occurs: (a) the Commission is required to recirculate an environmental impact report pursuant to Section 15088.5 of Title 14 of the California Code of Regulations; (b) substantial changes are proposed in the project that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (c) substantial changes occur with respect to the circumstances under which the project is undertaken that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (d) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence before the Commission publishes the notice of availability of the relevant CEQA document for public review, is submitted that may require additional analysis and consideration; or (e) the Commission, in consultation with the Department of Fish and Wildlife or the State Water Resources Control Board, if applicable, determines that additional time is necessary to obtain information and conduct surveys, including due to seasonal constraints

B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Operate Over 50 kV Which Are Not Included in Subsection A of this Section.

Unless exempt as specified in Section III herein, or already included in an application before this Commission for a CPCN, an electric public utility desiring to build power line or substation facilities in this state ~~for immediate or eventual operation between 50 kV and 200 kV or substations for immediate or eventual operation over 50 kV, shall file~~ that require a PTC under Section III.B above shall file an application for a permit to construct not less than nine (9) months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances. An application for a permit to construct shall comply with the ~~Commission's~~ Commission's Rules of Practice and Procedure-~~No. 2 through 8 and 15 through 17.~~

1. The application for a permit to construct shall also include the following:
 - a. A description of the proposed power line or substation facilities, including the proposed power line route; proposed power line equipment, such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc., and a proposed schedule for authorization, construction, and commencement of operation of the facilities.
 - b. A map of the proposed power line routing or substation location

showing populated areas, parks, recreational areas, scenic areas, and existing electrical transmission or power lines within 300 feet of the proposed route or substation.

- c. Reasons for adoption of the power line route or substation location selected, including comparison with alternative routes or locations, including the advantages and disadvantages of each.
- d. A listing of the governmental agencies with which proposed power line route or substation location reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.
- e. ~~A~~Except as set forth in Section IX.C.1 below, a PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this ~~Commission's~~Commission's Rules of Practice and Procedure ~~17.12.4~~ and ~~17.32.5~~. If a PEA is filed, it may include the data described in Items a through d above.
- f. The above information requirements notwithstanding, an application for a permit to construct need not include either a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods beyond that required for CEQA compliance.

2. No later than 30 days after the filing of the application for a permit to construct, the ~~CACD~~Energy Division shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. Thereafter, within 30 days, the utility shall correct any deficiencies or explain in writing to the ~~CACD~~Energy Division when it will be able to correct the deficiencies or why it is unable to do so. ~~Upon correction~~The application shall be deemed complete (i) 30 days after submission of any deficiencies in the application; unless the CACD~~Utility~~is notified of deficiencies as set forth above; (ii) if the utility is notified of deficiencies as set forth above, then 30 days after the utility submits information in response to such notice unless the utility is notified within that 30 days that previously-identified deficiencies remain; or (iii) immediately upon the Commission's determination that any additional information requested by Commission staff has been provided, whichever comes first.

- 2.3. Once the application is deemed complete, the Energy Division shall determine whether CEQA applies, and if so, whether a Negative Declaration, Mitigated Negative Declaration or an EIR must be prepared, and the process required by CEQA and the Commission's Rules of Practice and Procedure 17-12.4 and 2.5 will be followed.
- 3.4. If the Commission finds that a project properly qualifies for an exemption from CEQA, the Commission will promptly grant the permit to construct.
- 4.5. If the ~~CACD~~Energy Division determines, ~~after completing its initial study,~~ that the project would not have a significant adverse impact on the environment, the ~~CACD~~Energy Division will ~~prepare~~adopt a Negative Declaration. If the ~~initial study~~Energy Division identifies potential significant effects, but the utility revises its proposal to avoid those effects, then the Commission ~~could~~will adopt a Mitigated Negative Declaration. In either case, the Commission will promptly grant the permit to construct.
6. If the ~~initial study~~Energy Division identifies potentially significant environmental effects, ~~that the CACD~~utility does not revise its proposal to avoid, and the project is not exempt under CEQA, the Energy Division will prepare an EIR unless the applicant has elected or elects to prepare a draft EIR pursuant to Section IX.C.1 below. The severity and nature of the effects, the feasibility of mitigation, the existence and feasibility of alternatives to the project, and the benefits of the project would all be considered by the Commission in deciding whether to grant or deny the permit to construct. ~~The Commission intends to issue a permit to construct or disapprove the project within eight months of accepting the application as complete. This time limit may be extended if necessary to comply with the requirements of CEQA, but may not exceed the time limits specified in CEQA (for the preparation of an EIR).~~
- 5.7. The Commission may request additional information from the utility to address comments by public agencies on the scope and content of the information that is required to be included in a CEQA Document. The utility shall provide to the Commission the requested information within 30 days of receiving the request.
8. Unless a shorter time period is required by state law, no later than 270 days after the application is deemed complete, or as soon as practicable thereafter, the Commission shall determine whether to adopt or certify the appropriate CEQA Document and to issue the requested PTC; provided, however, the time to determine whether to adopt or certify appropriate CEQA Document and issue the requested PTC may be extended if one or more of the following occurs: (a) the Commission is required to recirculate an environmental impact report pursuant to Section 15088.5 of Title 14 of the California Code of Regulations; (b) substantial changes are

proposed in the project that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (c) substantial changes occur with respect to the circumstances under which the project is undertaken that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (d) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence before the Commission publishes the notice of availability of the relevant CEQA document for public review, is submitted that may require additional analysis and consideration; or (e) the Commission, in consultation with the Department of Fish and Wildlife or the State Water Resources Control Board, if applicable, determines that additional time is necessary to obtain information and conduct surveys, including due to seasonal constraints

- 6.9. If no protests or requests for hearing are received (pursuant to Section XII), ~~a CACD~~an Energy Division Examiner shall be assigned and the Commission shall issue an ex parte decision on the application within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act). If a protest or request for hearing is received, the matter shall be assigned to an administrative law judge, and the Commission shall issue a decision on the application within the time limits prescribed by the Permit Streamlining Act.

C. Preparation of CEQA Documents and Commission Decision.

1. Notwithstanding any other provision herein, an applicant may elect to prepare and submit with its application, in lieu of the Proponent's Environmental Assessment required by Rule of Practice and Procedure 2.4, a draft environmental impact report, draft mitigated negative declaration, draft negative declaration, draft addendum, or analysis of the applicability of an exemption from CEQA (each a CEQA Document). Energy Division may provide the applicant with appropriate guidance and assist in the preparation of the draft CEQA Document. Before using a draft CEQA Document prepared by the applicant, the Commission shall subject the draft to its independent review and analysis. Any draft CEQA Document sent out for public review shall reflect the independent judgment of the Commission.
2. The Commission, the California Energy Commission (CEC) and the California Independent System Operator (CAISO) coordinate on electric load forecasting, resource planning and transmission planning to achieve state reliability and policy goals. Pursuant to a stakeholder process set forth in its Federal Energy Regulatory Commission (FERC) tariff, the CAISO conducts electric transmission planning to meet resource needs identified by the Commission, including analysis of alternatives to transmission projects. Therefore, where the electric project proposed in a CPCN or PTC application has been evaluated and approved by the CAISO in a Transmission Plan

prepared in accordance with the CAISO tariff approved by FERC:

- a. The statement of objectives required by 14 Cal. Code Regs. § 15124(b) and any statement of overriding considerations required by 14 Cal. Code Regs. § 15093(b) in a CEQA Document for the proposed project shall include the underlying purpose and project benefits of the proposed project as stated in the relevant CAISO Transmission Plan.
- b. The range of reasonable alternatives to the proposed project, if any, required by 14 Cal. Code Regs. § 15126.6 in an initial draft CEQA Document for the proposed project circulated for public comment, shall be limited to alternative routes or locations for construction of the relevant CAISO Transmission Plan-approved electric project.
- c. There shall be a rebuttable presumption that the consideration of cost-effective alternatives to transmission facilities required by Public Utilities Code Section 1002.3, if applicable, may be limited to the analysis of such alternatives to the proposed project as set forth in the relevant CAISO Transmission Plan and the base resource portfolio provided by the Commission to CAISO for development of that Transmission Plan.
- d. Where such an electric project is the subject of a CPCN application, the CAISO's approval of such project shall establish a rebuttable presumption that such project is necessary to promote the safety, health, comfort, and convenience of the public, and that public convenience and necessity require project approval.

SECTION X. POTENTIAL EXPOSURE TO ELECTRIC AND MAGNETIC FIELDS (EMF)

A. Application for CPCN or Permit to Construct

Applications for a CPCN or Permit to Construct shall describe the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order. This information may be included in the PEA ~~required by Rules of Practice and Procedure 17.1.~~

B. EMF Technical Assistance

The EMF education program administered by the California Department of Health Services for regulated electric utility facilities, established in Investigation (I.) 91-01-012, is available to provide independent information about EMF to local government, other state agencies, and the public to assist in their consideration of the potential impacts of facilities proposed by electric utilities hereunder. Local government and the public should first contact their public health department.

SECTION XI. NOTICE

A. Applications for a CPCN or Permit to Construct

Notice of the filing of each application for a CPCN ~~for facilities subject to the provisions of Sections VII, VIII, and IX. A~~required by Section III.A of this General Order and of the filing of each application for a permit to construct ~~for facilities subject to required by~~ Section IXIII.B of this General Order, shall be given by the electric public utility within ten days of filing the application:

1. By direct mail to:
 - a. The planning commission and the legislative body for each county or city in which the proposed facility would be located, the CEC, the State Department of Transportation and its Division of Aeronautics, the Secretary of the Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested such notification. The utility shall also give notice to the following agencies and subdivisions in whose jurisdiction the proposed facility would be located: the Air Pollution Control District, the California Regional Water Quality Control Board, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction; and
 - b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent; and
2. By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and
3. By posting a notice on-site and off-site where the project would be located.

A copy of the notice shall be ~~delivered~~provided to the CPUC Public Advisor and the ~~CACD~~Energy Division on the same day it is mailed. A declaration of mailing and posting as required by this subsection shall be filed with the Commission within five (5) days of completion.

~~Three copies~~Copies of each application for electric generation facilities shall be served on the Executive Director of the Energy Commission. If applicable, ~~three~~copies shall be served

on the Executive Director of the Coastal Commission. If applicable, ~~three~~ copies shall be served on the Executive Director of the S.F. Bay Conservation and Development Commission. Upon request by any public agency, the applicant shall provide at least one copy of its application to said public agency. A copy of the application shall be kept available for public inspection at the utility's office(s) in the county or counties in which the proposed facility would be located and posted on the utility's website.

B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Over 50 kV Which Are Not Included in Subsection A of this Section.

The utility shall give notice of the construction of any power line facilities or substations ~~between 50 kV and 200 kV~~ deemed exempt pursuant to Section III.B.1 herein, not less than 30 days before the date when construction is intended to begin by:

1. Direct mail to the planning director for each county or city in which the proposed facility would be located and the Executive Director of the Energy Commission; and
2. Advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facility would be located, the first publication to be not later than 45 days before the date when construction is intended to begin; and
3. By posting a notice on-site and off-site where the project would be located.
4. Filing an informational advice letter with the ~~CACD in accordance with General Order 96-A~~ Energy Division, which includes a copy and distribution list from General Order 96-B of the notices required by items 1-3 herein. On the same day, a copy of the advice letter must be ~~delivered~~ provided to the CPUC Public Advisor. Notwithstanding any provision of any other General Order, the provisions of Section XIII of this General Order shall apply to the filing, processing and disposition of protests to any advice letter submitted pursuant to this General Order 131-E.

C. Contents of Notices

Each utility shall consult with the ~~CACD~~ Energy Division and CPUC Public Advisor to develop and approve a standard for the notice required by subsections A and B, which shall contain, at a minimum, the following information:

1. The Application Number assigned by the CPUC or the Advice Letter Number assigned by the utility; and
2. A concise description of the proposed construction and facilities, its purpose and its location in terms clearly understandable to the average

reader; and

3. A summary of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order; and
4. Instructions on obtaining or reviewing a copy of the application, including the ~~Proponent's Environmental Assessment~~ PEA, draft CEQA Document or available equivalent, from the utility; and
5. The applicable procedure for protesting the application or advice letter, as defined in Sections XII and XIII, including the grounds for protest, when the protest period expires, delivery addresses for the CPUC Docket Office, CACD Energy Division, and the applicant and how to contact the CPUC Public Advisor for assistance in filing a protest.

SECTION XII. PROTEST AND REQUEST FOR PUBLIC HEARINGS

Pursuant to the Commission Rules of Practice and Procedure, Article 2.5, those to whom notice has been sent under Section XI.A hereof and any other ~~person entitled~~ person entitled under the Commission's Rules of Procedure to participate in a proceeding for a CPCN or a permit to construct may, within 30 days after the notice was mailed or published, object to the granting in whole or in part of the authority sought by the utility and request that the Commission hold hearings on the application. Any such protest shall be filed in accordance with Article 2.5: Rule 2.6 of the Commission's Rules of Practice and Procedure. If the Commission, as a result of its preliminary investigation after such requests, determines that public hearings should be held, notice shall be sent to each person who is entitled to notice or who has requested a hearing.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIII. PROTEST TO REQUIRE THE UTILITY TO FILE FOR PERMIT TO CONSTRUCT

Those to whom notice has been given under Section XI.B hereof and any other person or entity entitled to participate in a proceeding for a permit to construct may, within 20 days after the notice was mailed and published, contest any intended construction for which exemption is claimed by the utility from the requirements of Section III.B if such persons or entities have valid reason to believe that ~~any of the conditions described in Section III.B.2 exist or~~ the utility has incorrectly applied an exemption as defined in Section III.B herein. The protest shall be filed with the CACD Energy Division, specifying the relevant utility advice letter number, in accordance with General Order 96-A, Section III.H Rule 2.6 of the Commission's Rules of Practice and Procedure. On the same date a protest is filed with the Commission, the protestant shall serve a copy on the subject utility by mail. The utility shall respond within five business days of receipt and serve copies of its response on each protestant and the CACD Energy Division. Construction shall not commence until the Executive Director has issued an Executive

Resolution.

Within 30 days after the utility has submitted its response, the Executive Director, after consulting with ~~CACD~~Energy Division, shall issue an Executive Resolution on whether: the utility is to file an application for a permit to construct, or the protest is dismissed for failure to state a valid reason. Also, the Executive Director shall state the reasons for granting or denying the protest and provide a copy of each Executive Resolution to the Commission's Public Advisor.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIV. COMPLAINTS AND PREEMPTION OF LOCAL AUTHORITY

- A. Complaints may be filed with the Commission for resolution of any alleged violations of this General Order pursuant to the Commission's Rules of Practice and Procedure ~~9 through 13.1.~~ A complaint which does not allege that the matter has first been brought to the staff for informal resolution may be referred to the staff to attempt to resolve the matter informally ~~(Rules of Practice and Procedure No. 10).~~
- B. This General Order clarifies that local jurisdictions acting pursuant to local authority (as opposed to acting pursuant to a lawful delegation of a state agency's authority to administer state law) are preempted from regulating electric transmission line projects, power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission's jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters. In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing no later than 30 days after the utility or local agency has notified the Commission of the inability to reach agreement on land use matters. Nothing in this order shall be construed to authorize the Commission to determine real property rights owned by local governments.
- C. Public agencies and other interested parties may contest the construction of under-50-kV distribution lines and electric facilities by filing a complaint with the Commission pursuant to the Commission's Rules of Practice and Procedure ~~9 through 13.1.~~

SECTION XV. STATE AGENCY REVIEW OF ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

Nothing in this order shall be construed to preempt or otherwise limit the jurisdiction of state agencies other than this Commission to exercise the full range of their jurisdiction under state or federal law over facilities subject to this order. A coastal development permit shall be obtained from the Coastal Commission for development of facilities subject to this order in the coastal zone.

SECTION ~~IXVI~~. CEQA COMPLIANCE

Construction of facilities for which a CPCN or permit to construct is required pursuant to this General Order shall not commence without either a finding that it can be seen with certainty that there is no possibility that the construction of those facilities may have a significant effect on the environment or that the project is otherwise exempt from CEQA, or the adoption of a final EIR or Negative Declaration. Where authority must be granted for a project by this Commission, applicant shall comply with ~~Rule 17.1~~Rules 2.4 and 2.5 of our Rules of Practice and Procedure:

Special Procedure for Implementation of the CEQA of 1970 (Preparation of EIRs). This latter requirement does not apply to applications covering generating and related transmission facilities for which a certificate authorizing construction of the facilities has been or will also be issued by the CEC. For all issues relating to the siting, design, and construction of electric generating plant or transmission lines ~~as defined in Sections VIII and IX~~requiring a CPCN under Section III.A herein (except as set forth in Section VII herein) or electric power lines or substations ~~as defined in~~requiring a PTC under Section ~~IXIII~~.B herein, the Commission will be the Lead Agency under CEQA, unless a different designation has been negotiated between the Commission and another state agency consistent with CEQA Guidelines§ 15051(d).

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By ~~WESLEY M. FRANKLIN~~

~~Acting Executive Director~~

~~August 11, 1995~~

Appendix A- General Order No. 131-D

INFORMATION TO BE INCLUDED IN THE UTILITY REPORT REGARDING FINANCING OF NEW ELECTRIC

GENERATING CAPACITY AND TRANSMISSION LINE PROJECTS

- I. A statement, detailing the economic assumptions used to project all construction expenditures and annual operating costs, including the methodology, assumptions, and sources and authorities associated therewith for a fifteen-year (15) period commencing with the year in which the report is filed, for each of the following:
 - A. Operating Revenues
 - 1. Electric
 - 2. Gas, if applicable
 - 3. Miscellaneous
 - 4. Total
 - B. Operating Expenses
 - 1. Cost of Electric Energy
 - 2. Cost of Gas sold, if applicable
 - 3. Transmission and Distribution
 - 4. Maintenance
 - 5. Depreciation
 - 6. Taxes on Income
 - 7. Property and Other Taxes
 - 8. Other
 - 9. Total
 - C. Operating Income
 - D. Other Income and Deductions
 - 1. Allowance for Equity Funds Used During Construction
 - 2. Gains on Bonds Purchased for Sinking Fund
 - 3. Subsidiary Income
 - 4. Other - Net
 - 5. Total
 - E. Income Before Interest Charges
 - F. Interest Charges
 - 1. Short-term
 - 2. Long-term
 - 3. Less Allowance for Borrowed Funds Used During Construction

4. Total
 - G. Net Income
 - H. Preferred Dividend Requirement
 - I. Earnings Available for Common Stock
 - J. Average Number of Shares of Common Stock Outstanding (Thousands)
 - K. Earnings Per Share of Common Stock
 - L. Dividends Per Share of Common Stock
 1. Declared Basis
 2. Paid Basis
- II. An estimate for each of the following capital requirements items for each year for a fifteen-year period commencing with the year in which the report is filed:
- A. Construction expenditures by year broken down by:
 1. Generation projects over \$100 million, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 2. All other generation projects, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 - b. Associated transmission expenditures
 3. Non-generation transmission expenditures
 4. Distribution expenditures
 5. Other expenditures

Breakdown of each item in 1 above into the following elements:

Directs (M&S + Labor)	Indirects	AFDC	Total
\$	\$	\$	\$
 - B. Bond retirements, sinking fund retirements, etc.
 - C. Investments in subsidiary companies

- III. An estimate for each of the following items for each year for a fifteen-year period commencing with the year in which the report is filed:
- A. Capital balances as of January 1
 - B. Capital ratios as of January 1
 - C. Imbedded costs of debt and preferred stock
 - D. Debt, preferred and common stock issues:
 - 1. Amount (\$ and shares)
 - 2. Yield and cost of each issue
 - E. Income tax information
 - 1. Tax operating expense
 - 2. State tax depreciation
 - 3. Federal tax depreciation
 - 4. ITC or other credits available and used
 - F. Short-term debt balances
 - G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction
- IV. Data showing the estimated Results of Operation for electric utility operations for each year for a fifteen-year (15) period, commencing with the year in which the report is filed, in the formal set forth below:
- A. Kilowatt-hour Sales
 - 1. Total
 - 2. Residential
 - B. Average Price (¢/kWh)
 - C. Number of Residential Customers
 - D. Gross Revenue - Total
 - 1. Base Rates
 - 2. ECAC Rates
 - 3. ECAC Rate Increases
 - 4. Non-ECAC Rate Increases
 - 5. Misc. Operating Revenues

E. Operating Expenses - Total

1. Production - Fuel and Purchased Power - Total
 - a. Oil
 - b. Gas
 - c. Nuclear
 - d. Coal
 - e. Geothermal
 - f. Combined Cycle
 - g. Purchased Power
 - h. Other (explain)
2. Production O&M (non-fuel)
3. Transmission
4. Distribution
5. Customer Accounts
6. A&G
7. Depreciation & Amortization
8. Taxes - Total
 - a. State Income
 - b. Federal Income
 - c. Ad Valorem
 - d. Other
9. Other (explain)

F. Net Operating Income

G. Rate Base (Weighted Average)

H. Rate of Return

I. Net-to-Gross Multiplier

- V. For those electric utilities which also operate other public utility departments, such as natural gas, steam, and water service, an estimate of the following financial information by department for each year for a fifteen-year (15) period, commencing with the year in which the report is filed. Any separate utility operation that contributes to less than one (1) percent of the utility's total gross operating revenues may be excluded.

- A. Gross Revenue
- B. Operating Expenses
- C. Net Operating Income
- D. Rate Base (Weighted Average)
- E. Rate of Return

VI. The following variable will be provided by the staff of the Public Utilities Commission for use by the utility in generating certain financial information required by Appendix A:

- A. Return on Common Equity
- B. Dividend Yield
- C. Market to Book Ratio
- D. Cost of Long-Term Debt (including incremental cost)
- E. Cost of Preferred Stock (including incremental cost)
- F. Common Stock Price
- G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction

These variable will be furnished 60 days before the annual utility report is due and will be developed by the staff based on its independent expertise.

**Appendix B –
General Order No. 131-D**

**INFORMATION TO BE INCLUDED IN AN APPLICATION FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC GENERATING FACILITIES**

- I. A detailed description of the proposed generating facility and related facilities and the manner in which the same will be constructed, including the type, size, fuel capabilities, and capacity of the generating facilities.
- II. A map of suitable scale showing the location of the proposed power plant and related facilities, and a description of the location of the proposed power plant and related facilities.
- III. A listing of federal, state, regional, county, district, or municipal agencies from which approvals either have been obtained or will be required covering various aspects of the proposed facility, including any franchises and health and safety permits and the planned schedule for obtaining those approvals not yet received.
- IV. Load and resource data setting forth recorded and estimated loads (energy and demands), available capacity and energy, and margins for 5 years actual and 20 years estimated on the same basis, as reported to the CEC including a statement of the compatibility of the proposed generating facility with the most recent biennial report issued by the CEC pursuant to Section 25309 of the Public Resources Code.
- V. Existing rated and effective operating capacity of generating plants and the planned additions for a ten-year (10) period.
- VI. Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kWh (1) at plant, and (2) including related transmission, levelized for the economic life of the plant, year by year for the 12 years commencing with the date of commercial operation of the plant, and comparative costs of other alternatives considered on a levelized or year-by-year basis depending upon availability of data. Estimated capital and operating costs of power to be generated by the proposed plant for all competitive fuels which may be lawfully used in the proposed plant. When substantially the same data are prepared for utility planning purposes they may be used to satisfy all or any portion of these requirements.
- VII. For any nuclear plant a statement indicating that the requisite safety and other license approvals have been obtained or will be applied for.
- VIII. Such additional information and data as may be necessary for a full understanding and evaluation of the proposal.

(End of Appendix)

ATTACHMENT B

Proposed Revisions to GO 131-D To Comply with SB 529 and Further Modifications

GENERAL ORDER NO.131-~~DE~~
(Supersedes General Order No. 131-~~CD~~)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES RELATING TO THE PLANNING AND CONSTRUCTION OF ELECTRIC
GENERATION, TRANSMISSION/POWER/DISTRIBUTION LINE FACILITIES AND
SUBSTATIONS LOCATED IN CALIFORNIA.

Adopted ~~June 8, 1994.~~ 2023. Effective ~~July 8, 1994~~ January 1, 2024
Decision ~~94-06-01423-12-~~
~~Modified August 11, 1995. Effective September 10, 1995.~~
~~Decision 95-08-038~~

SECTION I. GENERAL

Pursuant to the provisions of Sections 451, 564, 701, 702, 761, 762, 768, 770, and 1001
of the Public Utilities Code: ·

IT IS HEREBY ORDERED that except as specifically provided herein, no
electric public utility, now subject, or which hereafter may become
subject, to the jurisdiction of this Commission, shall begin construction in
this state of any new electric generating plant, or of the modification,
alteration, or addition to an existing electric generating plant, or of electric
transmission/power/distribution line facilities, or of new, upgraded or
modified substations without first complying with the provisions of this
General Order.

For purposes of this General Order, a transmission line is a line designed
to operate at or above 200 kilovolts (kV). A power line is a line designed
to operate between 50 and 200 kV. A distribution line is a line designed to
operate under 50 kV.

SECTION II. PURPOSE OF THIS GENERAL ORDER

The Commission has adopted these revisions to this General Order to be responsive to:

- the requirements of the California Environmental Quality Act (CEQA) (Public Resources (Pub. Res.) Code § 21000 et seq.; Senate Bill No. 529 (Hertzberg 2022), Assembly Bill 1373 (Garcia 2023), Senate Bill 420 (Becker 2023) and Senate Bill 619 (Padilla 2023);
- the need for public notice and the opportunity for affected parties to be heard by

the Commission;

- the obligations of the utilities to serve their customers in a timely and efficient manner; ~~and~~
- the need to replace the present complaint treatment of under-200-kV projects with a new streamlined review mechanism-;
- changes in statutes, rules and regulations, and transmission planning coordination, that have occurred since the last update in 1994;

SECTION III. NEED FOR COMMISSION AUTHORIZATION

For purposes of this General Order, construction does not include any installation of environmental monitoring equipment, or any soil or geological investigation, or work to determine feasibility of the use of the particular site for the proposed facilities, which do not result in a serious or major disturbance to an environmental resource.

A. Certificate of Public Convenience and Necessity (CPCN)

No electric public utility shall begin construction in this state of any new electric generating plant having in aggregate a net capacity available at the busbar in excess of 50 megawatts (MW), or of the modification, alteration, or addition to an existing electric generating plant that results in a 50 MW or more net increase in the electric generating capacity available at the busbar of the existing plant, or of major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more (except for the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing power line facilities, the conversion of existing overhead lines to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built) without this Commission's having first found that said facilities are necessary to promote the safety, health, comfort, and convenience of the public, and that they are required by the public convenience and necessity.

Where a public utility seeks to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities (including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements) that would require a certificate of public convenience and necessity under this Section III.A, the electric public utility may instead elect to file a permit-to-construct application or claim an exemption under Section III.B for such facilities, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.

B. Permit to Construct

No electric public utility shall begin construction in this state of any electric power line facilities or substations which are designed for immediate or eventual operation at any voltage between 50 kV or 200 kV, or new or upgraded substations with high side voltage exceeding 50 kV, without this ~~Commission's~~ Commission having first authorized the construction of said facilities by issuance of a permit to construct in accordance with the provisions of Sections IX.B,

X, and XI.B of this General Order. An upgraded substation is one in which there is an increase in substation land area beyond the existing utility-owned property or an increase in the voltage rating of the substation above 50 kV. Activities which increase the voltage of a substation to the voltage for which the substation has been previously rated are deemed to be substation modification projects and not substation upgrade projects.

1. Compliance with Section IX.B is not required for:
 - a. power line facilities or substations with an in-service date occurring before January 1, 1996, which have been reported to the Commission in accordance with the Commission's decision adopting GO 131-D.
 - b. the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.
 - c. the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.
 - d. the conversion of existing overhead lines to underground.
 - e. the placing of new or additional conductors, insulators, or their accessories on supporting structures already built.
 - f. power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.
 - g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility right of way (ROW) or easement; or power line facilities or substations in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, State, or local agencies for which a final Negative Declaration ~~or EIR~~, Mitigated Negative Declaration, or Environmental Impact Report (EIR) finds no significant unavoidable environmental impacts.
 - h. the construction of projects that are statutorily or categorically exempt pursuant to § 15260 et seq. of the Guidelines adopted to implement the CEQA, 14 Code of California Regulations § 15000 et seq. (CEQA Guidelines).

However, notice of the proposed construction of such facilities must be made in

compliance with Section XI.B herein, except that such notice is not required for the construction of projects that are statutorily or categorically exempt pursuant to CEQA Guidelines. If a protest of the construction of facilities claimed by the utility to be exempt from compliance with Section IX.B is timely filed pursuant to Section XIII, construction may not commence until the Executive Director or Commission has issued a final determination.

2. The foregoing exemptions shall not apply when any of the conditions specified in CEQA Guidelines § 15300.2 exist:
 - a. there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
 - b. the cumulative impact of successive projects of the same type in the same place, over time, is significant; or
 - c. there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

C. Certain Lines and Substations Rated at or Below 138 kV

Notwithstanding any other provision herein, the construction of a new electrical transmission facility, or the extension, expansion, upgrade, rebuilding, or other modification of an electrical transmission facility, including lines and substations, by an electrical corporation serving 10,000 or more retail customers, does not require a certificate that the present or future public convenience and necessity requires or will require its construction, a permit to construct, or any other discretionary permit from the Commission, if the new or modified electrical transmission facility meets all of the following requirements:

1. It will be rated at not more than 138 kilovolts.
2. It will meet one of the following requirements:
 - a. It will be located entirely on previously disturbed land, as described in subdivision (b) of Section 25794.6 of the Public Resources Code.
 - b. It will be located entirely in an urbanized area, as delineated by the United States Census Bureau.
 - c. It will be part of a project that has undergone review pursuant to the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
3. It will not be located on any of the following:
 - a. A wetland, as defined by the State Water Resources Control Board.
 - b. Any unremediated hazardous waste site designated under the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. Sec. 9601 et seq.), or pursuant to Section 25356 of the Health and Safety Code.

c. A critical habitat as designated by the United States Fish and Wildlife Service pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or habitat essential to the continued existence of an endangered or threatened species as determined by the Department of Fish and Wildlife pursuant to the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code).

~~C.D.~~ Electric Distribution Lines ~~and~~ Other Substations

The construction of electric distribution (under 50 kV) line facilities, or substations with a high side voltage under 50 kV, or substation modification projects which increase the voltage of an existing substation to the voltage for which the substation has been previously rated within the existing substation boundaries, does not require the issuance of a CPCN or permit by this Commission nor discretionary permits or approvals by local governments. However, to ensure safety and compliance with local building standards, the utility must first communicate with, and obtain the input of, local authorities regarding land use matters and obtain any non-discretionary local permits required for the construction and operation of these projects.

SECTION IV. UTILITY REPORT OF LOADS AND RESOURCES

Every electric public utility required to submit a report of loads and resources to the California Energy Commission (CEC) in accordance with Section 25300 et seq. of the Public Resources Code shall also furnish ~~six copies~~ a copy of its report to the Public Utilities Commission.

SECTION V. UTILITY REPORT OF PLANNED TRANSMISSION/ POWER LINE, AND SUBSTATION FACILITIES

Every electric public utility shall annually, on or before March 1, furnish to the Commission's ~~Advisory and Compliance~~ Energy Division (~~CACD~~) ~~for its review three (3) copies to~~ Energy Division a fifteen-year 15 forecast of planned transmission facilities of 200 kV or greater and a five-year (5) forecast of planned power line facilities and substations of between 50 kV and 200 kV.

A. The report shall include:

1. A list of transmission, power lines, and substations, arranged in chronological order by the planned service date, for which a CPCN or a permit to construct has been received, but which have not yet been placed in service.
2. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which proposed route or corridor reviews are being undertaken with governmental agencies or for which applications

~~⁺ copy to be stored in the CACD Annual Reports Section.~~

have already been filed.

3. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which planning corridor or route reviews have not started, which will be needed during the forecast periods.

B. For each transmission or power line route, substation, or planning corridor included in the above lists, the following information, if available, shall be included in the report:

1. Planned operating date.
2. Transmission or power line name.
3. The terminal points (substation name and location).
4. Number of circuits.
5. ~~Voltage~~Voltages -kV.
6. Normal and emergency continuous operating ratings - MVA.
7. Length in feet or miles.
8. Estimated cost in dollars as of the year the report is filed.
9. Cities and counties involved.
10. Other comments.

SECTION VI. UTILITY REPORT OF INFORMATION REGARDING FINANCING OF NEW ELECTRIC GENERATING AND TRANSMISSION CAPACITY

Every electric public utility shall biennially, on or before June 1 of every odd numbered year, furnish a report to the Commission of the financial information designated in Appendix A hereto; provided however, that no public utility shall be required to submit such financial information if such utility does not plan for a fifteen-year (15) period commencing with the year in which the financial information is to be filed to (1) construct within the State of California any new electric generating plant having in the aggregate a net capacity in excess of 50 MW, or (2) modify, alter, or add to any existing electric generating plant that results in a 50 MW, or more, net increase in the electric generating capacity of an existing plant within the State of California, or (3) construct in California any electric transmission line facilities which are designed for immediate or eventual operation at any voltage in excess of 200 kV (except for the replacement or minor relocation of existing transmission line facilities, or the placing of additional conductors, insulators or their accessories on, or replacement of, supporting structures already built).

SECTION VII. ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

If an electric public utility proposes to construct electric generating and related transmission facilities which are subject to the power plant siting jurisdiction of the CEC as set forth in Section 25500 et seq. of the Public Resources Code, it shall comply with the following procedure:

- A. In accordance with Public Resources Code Section 25519(c) and Public Utilities Code Section 1001, ~~the~~ CEQA, and this Commission's Rules of Practice and Procedure ~~No. 17.1~~ Nos. 2.4 and 2.5 do not apply to any application filed pursuant to this section.
- B. Upon acceptance of an electric utility's Notice of Intent (NOI) filing by the CEC, the utility shall ~~mail six copies~~ provide a copy of the NOI to the Executive Director of this Commission.
- C. When an electric utility files with the CEC an application for a certificate to construct (AFC) an electric generating facility pursuant to Section 25519 of the Public Resources Code and any AFC regulations of the CEC, it shall ~~mail six copies~~ electronically provide a copy of the AFC, including ~~six copies~~ a copy of the CEC's Final Report in the NOI proceeding for the facility, to the Executive Director of this Commission.
- D. No later than 30 days after acceptance for filing of the AFC referred to above in Subsection C, the utility shall file with this Commission an application for a CPCN. The application shall comply with this Commission's Rules of Practice and Procedure, ~~specifically Rules 2 through 8, 15, and 16,~~ and shall include the data and information set forth in Appendix B hereto. In complying with this provision, the utility may include portions of the CEC's Final Report in its NOI proceeding by attaching such portions as an appendix to its application filed with this Commission. The utility may also include portions of the AFC filed with the CEC by reference. A copy of the application shall be ~~mailed~~ provided to the CEC and to every person, corporation, organization, or public agency that has intervened in the CEC's AFC proceeding.
- E. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter, or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, any public hearings which are necessary may be held on the application while the utility's AFC application is under process before the CEC. The Commission may issue an interim decision on the application before the issuance by the CEC of a final decision in the AFC proceeding.

However, any such interim decision shall not be final and shall be subject to review after the CEC issues its final decision in the AFC proceeding as prescribed in Public Resources Code Sections 25522 and 25530.

- F. No later than 30 days after issuance of a certificate by the CEC in a final decision in the utility's AFC proceeding in accordance with Public Resources Code Sections 25209, 25522, and 25530 the Commission shall issue a decision on the application for a CPCN from this Commission, unless a later date for issuance of the decision is mutually agreed to by the Commission and the applicant, or is necessitated by conditions under Paragraph G.
- G. In the event that the CEC's certificate in the AFC proceedings sets forth requirements or conditions for the construction of the proposed electric generating facility which were not adequately considered in the proceeding before the Commission, and which will have a significant impact on the economic and financial feasibility of the project, or the rates of the utility, or on utility system reliability, the utility, or Commission staff, or any party, may request that the Commission hold a public hearing on such implications. Any such hearing, if granted, shall be initiated no later than 30 days after the filing of any such request. It is the intent of this Commission that a final decision shall be issued within 90 days after conclusion of the hearing, if held.
- H. In the event that judicial review of the CEC's issuance of a certificate in the AFC proceeding is sought in any court, the utility shall immediately notify this Commission and include a copy of the court filing.

SECTION VIII. ELECTRIC GENERATING FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

An electric public utility proposing to construct in this state new generation facilities in excess of 50 MW net capacity, available at the busbar or proposing to modify an existing generation facility in this state in order to increase the total generating capacity of the facility by 50 MW or more net capacity available at the busbar, shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period for exceptional circumstances.

- A. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure, ~~specifically Rules 2 through 8, 15, and 16.~~ In addition, it shall include or have attached to it the following:
 - 1. The information and data set forth in Appendix B.
 - 2. A statement of the reasons why and facts showing that the completion and operation of the proposed facility is necessary to promote the safety, health, comfort, and convenience of the public.
 - 3. Safety and reliability information, including planned provisions for

emergency operations and shutdowns.

4. A schedule showing the program for design, material acquisition, construction, and testing and operating dates.
5. Available site information, including maps and description, present, proposed, and ultimate development; and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population, and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected.
6. Design information, including description of facilities, plan efficiencies, electrical connections to system, and description of control systems, including air quality control systems.
7. A Proponent's Environment Assessment (PEA) on the environmental impact of the proposed facility and its operation so as to permit compliance with the requirements of CEQA and this Commission's ~~Rule of Practice and Procedure 17.1 and 17.3. If a PEA is filed, it may include the data described in Items 1 through 6, above.~~ Rules of Practice and Procedure 2.4 and 2.5. If a PEA is filed, it may include the data described in Items 1 through 6, above. Notwithstanding the foregoing, an applicant may elect to prepare and submit with its application, in lieu of a PEA, a draft environmental impact report, draft mitigated negative declaration, draft negative declaration, draft addendum, or analysis of the applicability of an exemption from CEQA (each a CEQA Document). Energy Division may provide the applicant with appropriate guidance and assist in the preparation of the draft CEQA Document. Before using a draft CEQA Document prepared by the applicant, the Commission shall subject the draft to its independent review and analysis. Any draft CEQA Document sent out for public review shall reflect the independent judgment of the Commission.

- B. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, the commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA ~~and Commission Rule 17.1~~ will be followed in addition to the Commission's standard decision-making process for applications. The Commission shall issue a decision within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act).

SECTION IX. TRANSMISSION LINE, POWER LINE, AND SUBSTATION

FACILITIES

A. Transmission Line Facilities of 200 kV and Over

An electric public utility desiring to build transmission line facilities in this state ~~for immediate or eventual operation in excess of 200 kV~~that require a CPCN under Section III.A above shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances.

1. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure ~~2 through 8, 15, and 16~~ and shall also include the following:
 - a. A detailed description of the proposed transmission facilities, including the proposed transmission line route and alternative routes, if any; proposed transmission equipment; such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc.; and a proposed schedule for certification, construction, and commencement of operation of the facilities.
 - b. A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.
 - c. A statement of facts and reasons why the public convenience and necessity require the construction and operation of the proposed transmission facilities.
 - d. A detailed statement of the estimated cost of the proposed facilities.
 - e. Reasons for adoption of the route selected, including comparison with alternative routes, including the advantages and disadvantages of each.
 - f. A schedule showing the program of right-of-way acquisition and construction.
 - g. A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a

statement of its understanding of the position of such agencies.

- h. ~~A~~Except as set forth in Section IX.C.1 below or where the applicant files a concurrent application with the California Energy Commission as authorized by Public Utilities Code Section 1003.7, a PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission's ~~Rule~~Rules of Practice and Procedure, Rules ~~17.12.4~~ and ~~17.32.5~~. If a PEA is filed, it may include the data described in Items a through g above.

2. No later than 30 days after the filing of the application the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter, or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. ~~Upon correction~~The application shall be deemed complete (i) 30 days after submission of any deficiencies in the application, unless the utility is notified of deficiencies as set forth above; (ii) if the utility is notified of deficiencies as set forth above, then 30 days after the utility submits information in response to such notice unless the utility is notified within that 30 days that previously-identified deficiencies remain; or (iii) immediately upon the Commission's determination that any additional information requested by Commission staff has been provided, whichever comes first.
3. Once the application is deemed complete, the Commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration, Mitigated Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA and Commission Rules of Practice and Procedure ~~17.12.4 and 2.5~~ will be followed in addition to the Commission's standard decision-making -process for applications. ~~The~~Unless required sooner by Paragraph 5 below, the Commission shall issue a decision within the time limits prescribed by Government Code Sections 65920 et seq. (the Permit Streamlining Act).
- 2.4. The Commission may request additional information from the utility to address comments by public agencies on the scope and content of the information that is required to be included in a CEQA Document. The utility shall provide to the Commission the requested information within 30 days of receiving the request.
5. Unless a shorter time period is required by state law, no later than 270 days after the application is deemed complete, or as soon as practicable thereafter, the Commission shall determine whether to adopt or certify the appropriate CEQA Document and to issue the requested CPCN; provided,

however, the time to determine whether to adopt or certify the appropriate CEQA Document and issue the requested CPCN may be extended if one or more of the following occurs: (a) the Commission is required to recirculate an environmental impact report pursuant to Section 15088.5 of Title 14 of the California Code of Regulations; (b) substantial changes are proposed in the project that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (c) substantial changes occur with respect to the circumstances under which the project is undertaken that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (d) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence before the Commission publishes the notice of availability of the relevant CEQA document for public review, is submitted that may require additional analysis and consideration; or (e) the Commission, in consultation with the Department of Fish and Wildlife or the State Water Resources Control Board, if applicable, determines that additional time is necessary to obtain information and conduct surveys, including due to seasonal constraints

B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Operate Over 50 kV Which Are Not Included in Subsection A of this Section.

Unless exempt as specified in Section III herein, or already included in an application before this Commission for a CPCN, an electric public utility desiring to build power line or substation facilities in this state ~~for immediate or eventual operation between 50 kV and 200 kV or substations for immediate or eventual operation over 50 kV, shall file that require a PTC under Section III.B above shall file an application~~ for a permit to construct not less than nine (9) months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances. An application for a permit to construct shall comply with the ~~Commission's~~ Commission's Rules of Practice and Procedure- ~~No. 2 through 8 and 15 through 17.~~

1. The application for a permit to construct shall also include the following:
 - a. A description of the proposed power line or substation facilities, including the proposed power line route; proposed power line equipment, such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc., and a proposed schedule for authorization, construction, and commencement of operation of the facilities.
 - b. A map of the proposed power line routing or substation location showing populated areas, parks, recreational areas, scenic areas, and existing electrical transmission or power lines within 300 feet of the proposed route or substation.

- c. Reasons for adoption of the power line route or substation location selected, including comparison with alternative routes or locations, including the advantages and disadvantages of each.
- d. A listing of the governmental agencies with which proposed power line route or substation location reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.
- e. Except as set forth in Section IX.C.1 below or where the applicant files a concurrent application with the California Energy Commission as authorized by Public Utilities Code Section 1003.7, a PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission's Rules of Practice and Procedure 17.12.4 and 17.32.5. If a PEA is filed, it may include the data described in Items a through d above.
- f. The above information requirements notwithstanding, an application for a permit to construct need not include either a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods beyond that required for CEQA compliance.

2. No later than 30 days after the filing of the application for a permit to construct, the CACD Energy Division shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. Thereafter, within 30 days, the utility shall correct any deficiencies or explain in writing to the CACD Energy Division when it will be able to correct the deficiencies or why it is unable to do so. ~~Upon correction~~ The application shall be deemed complete (i) 30 days after submission of any deficiencies in the application, unless the CACD Utility is notified of deficiencies as set forth above; (ii) if the utility is notified of deficiencies as set forth above, then 30 days after the utility submits information in response to such notice unless the utility is notified within that 30 days that previously-identified deficiencies remain; or (iii) immediately upon the Commission's determination that any additional information requested by Commission staff has been provided, whichever comes first.

2.3. Once the application is deemed complete, the Energy Division shall

determine whether CEQA applies, and if so, whether a Negative Declaration, Mitigated Negative Declaration or an EIR must be prepared, and the process required by CEQA and the Commission's Rules of Practice and Procedure 17.12.4 and 2.5 will be followed.

- 3.4. If the Commission finds that a project properly qualifies for an exemption from CEQA, the Commission will promptly grant the permit to construct.
- 4.5. If the ~~CACD~~Energy Division determines, ~~after completing its initial study,~~ that the project would not have a significant adverse impact on the environment, the ~~CACD~~Energy Division will ~~prepare~~adopt a Negative Declaration. If the ~~initial study~~Energy Division identifies potential significant effects, but the utility revises its proposal to avoid those effects, then the Commission ~~could~~will adopt a Mitigated Negative Declaration. In either case, the Commission will promptly grant the permit to construct.
6. If the ~~initial study~~Energy Division identifies potentially significant environmental effects, ~~that the CACD~~utility does not revise its proposal to avoid, and the project is not exempt under CEQA, the Energy Division will prepare an EIR unless the applicant has elected or elects to prepare a draft EIR pursuant to Section IX.C.1 below. The severity and nature of the effects, the feasibility of mitigation, the existence and feasibility of alternatives to the project, and the benefits of the project would all be considered by the Commission in deciding whether to grant or deny the permit to construct. ~~The Commission intends to issue a permit to construct or disapprove the project within eight months of accepting the application as complete. This time limit may be extended if necessary to comply with the requirements of CEQA, but may not exceed the time limits specified in CEQA (for the preparation of an EIR).~~
- 5.7. The Commission may request additional information from the utility to address comments by public agencies on the scope and content of the information that is required to be included in a CEQA Document. The utility shall provide to the Commission the requested information within 30 days of receiving the request.
8. Unless a shorter time period is required by state law, no later than 270 days after the application is deemed complete, or as soon as practicable thereafter, the Commission shall determine whether to adopt or certify the appropriate CEQA Document and to issue the requested PTC; provided, however, the time to determine whether to adopt or certify appropriate CEQA Document and issue the requested PTC may be extended if one or more of the following occurs: (a) the Commission is required to recirculate an environmental impact report pursuant to Section 15088.5 of Title 14 of the California Code of Regulations; (b) substantial changes are proposed in the project that may involve new significant environmental

effects or a substantial increase in the severity of previously identified significant effects; (c) substantial changes occur with respect to the circumstances under which the project is undertaken that may involve new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (d) new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence before the Commission publishes the notice of availability of the relevant CEQA document for public review, is submitted that may require additional analysis and consideration; or (e) the Commission, in consultation with the Department of Fish and Wildlife or the State Water Resources Control Board, if applicable, determines that additional time is necessary to obtain information and conduct surveys, including due to seasonal constraints

- 6.9. If no protests or requests for hearing are received (pursuant to Section XII), ~~a CACD~~an Energy Division Examiner shall be assigned and the Commission shall issue an ex parte decision on the application within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act). If a protest or request for hearing is received, the matter shall be assigned to an administrative law judge, and the Commission shall issue a decision on the application within the time limits prescribed by the Permit Streamlining Act.

C. Preparation of CEQA Documents and Commission Decision.

1. Notwithstanding any other provision herein, an applicant may elect to prepare and submit with its application, in lieu of the Proponent's Environmental Assessment required by Rule of Practice and Procedure 2.4, a draft environmental impact report, draft mitigated negative declaration, draft negative declaration, draft addendum, or analysis of the applicability of an exemption from CEQA (each a CEQA Document). Energy Division may provide the applicant with appropriate guidance and assist in the preparation of the draft CEQA Document. Before using a draft CEQA Document prepared by the applicant, the Commission shall subject the draft to its independent review and analysis. Any draft CEQA Document sent out for public review shall reflect the independent judgment of the Commission.
2. The Commission, the California Energy Commission (CEC) and the California Independent System Operator (CAISO) coordinate on electric load forecasting, resource planning and transmission planning to achieve state reliability and policy goals. Pursuant to a stakeholder process set forth in its Federal Energy Regulatory Commission (FERC) tariff, the CAISO conducts electric transmission planning to meet resource needs identified by the Commission, including analysis of alternatives to transmission projects. Therefore, where the electric project proposed in a CPCN or PTC application has been evaluated and approved by the CAISO in a Transmission Plan prepared in accordance with the CAISO tariff approved by FERC:

- a. The statement of objectives required by 14 Cal. Code Regs. § 15124(b) and any statement of overriding considerations required by 14 Cal. Code Regs. § 15093(b) in a CEQA Document for the proposed project shall include the underlying purpose and project benefits of the proposed project as stated in the relevant CAISO Transmission Plan.
- b. The range of reasonable alternatives to the proposed project, if any, required by 14 Cal. Code Regs. § 15126.6 in an initial draft CEQA Document for the proposed project circulated for public comment, shall be limited to alternative routes or locations for construction of the relevant CAISO Transmission Plan-approved electric project.
- c. There shall be a rebuttable presumption that the consideration of cost-effective alternatives to transmission facilities required by Public Utilities Code Section 1002.3, if applicable, may be limited to the analysis of such alternatives to the proposed project as set forth in the relevant CAISO Transmission Plan and the base resource portfolio provided by the Commission to CAISO for development of that Transmission Plan.
- d. Where such an electric project is the subject of a CPCN application, the CAISO's approval of such project shall establish a rebuttable presumption that such project is necessary to promote the safety, health, comfort, and convenience of the public, and that public convenience and necessity require project approval.

3. Section IX.C.2.d shall apply only to proceedings where:

- a. The CAISO governing board has made explicit findings regarding the need for the proposed transmission project and has determined that the proposed project is the most cost-effective transmission solution.
- b. The CAISO is a party to the proceeding.
- c. The CAISO governing board-approved need evaluation is submitted to the Commission within sufficient time to be included within the scope of the proceeding.
- d. There has been no substantial change to the scope, estimated cost, or timeline of the proposed transmission project as approved by the CAISO governing board.

4. Where an applicant has filed a concurrent application with the California Energy Commission as authorized by Public Utilities Code Section 1003.7, the Commission shall not prepare a CEQA Document for the electric project subject to the application filed with the Commission and shall not require the applicant to submit information for CEQA review of such project. Certification by the California Energy Commission of such project shall satisfy and replace the Commission's obligations

under CEQA. The Commission shall not issue a final decision approving a CPCN or PTC for such project until after the California Energy Commission has issued a decision on certification of the proposed project. Upon approval of the application for a CPCN or PTC, the Commission shall file the applicable notice pursuant to Section 21108 of the Public Resources Code on behalf of itself and the California Energy Commission.

SECTION X. POTENTIAL EXPOSURE TO ELECTRIC AND MAGNETIC FIELDS (EMF)

A. Application for CPCN or Permit to Construct

Applications for a CPCN or Permit to Construct shall describe the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order. This information may be included in the PEA ~~required by Rules of Practice and Procedure 17.1.~~

B. EMF Technical Assistance

The EMF education program administered by the California Department of Health Services for regulated electric utility facilities, established in Investigation (I.) 91-01-012, is available to provide independent information about EMF to local government, other state agencies, and the public to assist in their consideration of the potential impacts of facilities proposed by electric utilities hereunder. Local government and the public should first contact their public health department.

SECTION XI. NOTICE

A. Applications for a CPCN or Permit to Construct

Notice of the filing of each application for a CPCN ~~for facilities subject to the provisions of Sections VII, VIII, and IX. A~~ required by Section III.A of this General Order and of the filing of each application for a permit to construct ~~for facilities subject to~~ required by Section ~~IXIII~~.B of this General Order, shall be given by the electric public utility within ten days of filing the application:

1. By direct mail to:

- a. The planning commission and the legislative body for each county or city in which the proposed facility would be located, the CEC, the State Department of Transportation and its Division of Aeronautics, the Secretary of the Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested such

notification. The utility shall also give notice to the following agencies and subdivisions in whose jurisdiction the proposed facility would be located: the Air Pollution Control District, the California Regional Water Quality Control Board, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction; and

- b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent; and
2. By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and
3. By posting a notice on-site and off-site where the project would be located.

A copy of the notice shall be ~~delivered~~provided to the CPUC Public Advisor and the ~~CACD~~Energy Division on the same day it is mailed. A declaration of mailing and posting as required by this subsection shall be filed with the Commission within five (5) days of completion.

~~Three copies~~Copies of each application for electric generation facilities shall be served on the Executive Director of the Energy Commission. If applicable, ~~three~~ copies shall be served on the Executive Director of the Coastal Commission. If applicable, ~~three~~ copies shall be served on the Executive Director of the S.F. Bay Conservation and Development Commission. Upon request by any public agency, the applicant shall provide at least one copy of its application to said public agency. A copy of the application shall be kept available for public inspection at the utility's office(s) in the county or counties in which the proposed facility would be located and posted on the utility's website.

- B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Over 50 kV Which Are Not Included in Subsection A of this Section.

The utility shall give notice of the construction of any power line facilities or substations ~~between 50 kV and 200 kV~~ deemed exempt pursuant to Section III.B.1 herein, not less than 30 days before the date when construction is intended to begin by:

1. Direct mail to the planning director for each county or city in which the proposed facility would be located and the Executive Director of the Energy Commission; and
2. Advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties

in which the proposed facility would be located, the first publication to be not later than 45 days before the date when construction is intended to begin; and

3. By posting a notice on-site and off-site where the project would be located.
4. Filing an informational advice letter with the ~~CACD in accordance with General Order 96-A~~ Energy Division, which includes a copy and distribution list from General Order 96-B of the notices required by items 1-3 herein. On the same day, a copy of the advice letter must be ~~delivered~~ provided to the CPUC Public Advisor. Notwithstanding any provision of any other General Order, the provisions of Section XIII of this General Order shall apply to the filing, processing and disposition of protests to any advice letter submitted pursuant to this General Order 131-E.

C. Contents of Notices

Each utility shall consult with the ~~CACD~~ Energy Division and CPUC Public Advisor to develop and approve a standard for the notice required by subsections A and B, which shall contain, at a minimum, the following information:

1. The Application Number assigned by the CPUC or the Advice Letter Number assigned by the utility; and
2. A concise description of the proposed construction and facilities, its purpose and its location in terms clearly understandable to the average reader; and
3. A summary of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order; and
4. Instructions on obtaining or reviewing a copy of the application, including the ~~Proponent's Environmental Assessment~~ PEA, draft CEQA Document or available equivalent, from the utility; and
5. The applicable procedure for protesting the application or advice letter, as defined in Sections XII and XIII, including the grounds for protest, when the protest period expires, delivery addresses for the CPUC Docket Office, CACD Energy Division, and the applicant and how to contact the CPUC Public Advisor for assistance in filing a protest.

SECTION XII. PROTEST AND REQUEST FOR PUBLIC HEARINGS

Pursuant to the Commission Rules of Practice and Procedure, Article 2.5, those to whom

notice has been sent under Section XI.A hereof and any other ~~person entitled~~ person entitled under the Commission's Rules of Procedure to participate in a proceeding for a CPCN or a permit to construct may, within 30 days after the notice was mailed or published, object to the granting in whole or in part of the authority sought by the utility and request that the Commission hold hearings on the application. Any such protest shall be filed in accordance with Article 2.5. Rule 2.6 of the Commission's Rules of Practice and Procedure. If the Commission, as a result of its preliminary investigation after such requests, determines that public hearings should be held, notice shall be sent to each person who is entitled to notice or who has requested a hearing.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIII. PROTEST TO REQUIRE THE UTILITY TO FILE FOR PERMIT TO CONSTRUCT

Those to whom notice has been given under Section XI.B hereof and any other person or entity entitled to participate in a proceeding for a permit to construct may, within 20 days after the notice was mailed and published, contest any intended construction for which exemption is claimed by the utility from the requirements of Section III.B if such persons or entities have valid reason to believe that ~~any of the conditions described in Section III.B.2 exist or~~ the utility has incorrectly applied an exemption as defined in Section III.B herein. The protest shall be filed with the CACD Energy Division, specifying the relevant utility advice letter number, in accordance with ~~General Order 96-A, Section III.H~~ Rule 2.6 of the Commission's Rules of Practice and Procedure. On the same date a protest is filed with the Commission, the protestant shall serve a copy on the subject utility by mail. The utility shall respond within five business days of receipt and serve copies of its response on each protestant and the CACD Energy Division. Construction shall not commence until the Executive Director has issued an Executive Resolution.

Within 30 days after the utility has submitted its response, the Executive Director, after consulting with CACD Energy Division, shall issue an Executive Resolution on whether: the utility is to file an application for a permit to construct, or the protest is dismissed for failure to state a valid reason. Also, the Executive Director shall state the reasons for granting or denying the protest and provide a copy of each Executive Resolution to the Commission's Public Advisor.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIV. COMPLAINTS AND PREEMPTION OF LOCAL AUTHORITY

- A. Complaints may be filed with the Commission for resolution of any alleged violations of this General Order pursuant to the Commission's Rules of Practice and Procedure ~~9 through 13.1.~~ A complaint which does not allege that the matter has first been brought to the staff for informal resolution may be referred to the staff to attempt to resolve the matter informally ~~(Rules of Practice and Procedure No. 10).~~

- B. This General Order clarifies that local jurisdictions acting pursuant to local authority (as opposed to acting pursuant to a lawful delegation of a state agency's authority to administer state law) are preempted from regulating electric transmission line projects, power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission's jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters. In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing no later than 30 days after the utility or local agency has notified the Commission of the inability to reach agreement on land use matters. Nothing in this order shall be construed to authorize the Commission to determine real property rights owned by local governments.
- C. Public agencies and other interested parties may contest the construction of under-50-kV distribution lines and electric facilities by filing a complaint with the Commission pursuant to the Commission's Rules of Practice and Procedure ~~9 through 13.1.~~

SECTION XV. STATE AGENCY REVIEW OF ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

Nothing in this order shall be construed to preempt or otherwise limit the jurisdiction of state agencies other than this Commission to exercise the full range of their jurisdiction under state or federal law over facilities subject to this order. A coastal development permit shall be obtained from the Coastal Commission for development of facilities subject to this order in the coastal zone.

SECTION ~~IXVI~~. CEQA COMPLIANCE

Construction of facilities for which a CPCN or permit to construct is required pursuant to this General Order shall not commence without either a finding that it can be seen with certainty that there is no possibility that the construction of those facilities may have a significant effect on the environment or that the project is otherwise exempt from CEQA, or the adoption of a final EIR or Negative Declaration. Where authority must be granted for a project by this Commission, applicant shall comply with ~~Rule 17.1~~ Rules 2.4 and 2.5 of our Rules of Practice and Procedure:

Special Procedure for Implementation of the CEQA of 1970 (Preparation of EIRs). This latter requirement does not apply to applications covering generating and related transmission facilities for which a certificate authorizing construction of the facilities has been or will also be issued by the CEC. For all issues relating to the siting, design, and construction of electric generating plant or transmission lines ~~as defined in Sections VIII and IX requiring a CPCN under Section III.~~ A herein (except as set forth in Section VII herein) or electric power lines or substations ~~as defined in requiring a PTC under Section IXIII.~~ B herein, the Commission will be the Lead Agency under CEQA, unless a different designation has been negotiated between the Commission and another state agency consistent with CEQA Guidelines § 15051(d).

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

By ~~WESLEY M. FRANKLIN~~

~~Acting Executive Director~~

~~August 11, 1995~~

Appendix A- General Order No. 131-D

INFORMATION TO BE INCLUDED IN THE UTILITY REPORT REGARDING FINANCING OF NEW ELECTRIC

GENERATING CAPACITY AND TRANSMISSION LINE PROJECTS

- I. A statement, detailing the economic assumptions used to project all construction expenditures and annual operating costs, including the methodology, assumptions, and sources and authorities associated therewith for a fifteen-year (15) period commencing with the year in which the report is filed, for each of the following:
 - A. Operating Revenues
 - 1. Electric
 - 2. Gas, if applicable
 - 3. Miscellaneous
 - 4. Total
 - B. Operating Expenses
 - 1. Cost of Electric Energy
 - 2. Cost of Gas sold, if applicable
 - 3. Transmission and Distribution
 - 4. Maintenance
 - 5. Depreciation
 - 6. Taxes on Income
 - 7. Property and Other Taxes
 - 8. Other
 - 9. Total
 - C. Operating Income
 - D. Other Income and Deductions
 - 1. Allowance for Equity Funds Used During Construction
 - 2. Gains on Bonds Purchased for Sinking Fund
 - 3. Subsidiary Income
 - 4. Other - Net
 - 5. Total
 - E. Income Before Interest Charges
 - F. Interest Charges
 - 1. Short-term
 - 2. Long-term
 - 3. Less Allowance for Borrowed Funds Used During Construction

4. Total
 - G. Net Income
 - H. Preferred Dividend Requirement
 - I. Earnings Available for Common Stock
 - J. Average Number of Shares of Common Stock Outstanding (Thousands)
 - K. Earnings Per Share of Common Stock
 - L. Dividends Per Share of Common Stock
 1. Declared Basis
 2. Paid Basis
- II. An estimate for each of the following capital requirements items for each year for a fifteen-year period commencing with the year in which the report is filed:
- A. Construction expenditures by year broken down by:
 1. Generation projects over \$100 million, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 2. All other generation projects, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 - b. Associated transmission expenditures
 3. Non-generation transmission expenditures
 4. Distribution expenditures
 5. Other expenditures

Breakdown of each item in 1 above into the following elements:

Directs (M&S + Labor)	Indirects	AFDC	Total
\$	\$	\$	\$
 - B. Bond retirements, sinking fund retirements, etc.
 - C. Investments in subsidiary companies

- III. An estimate for each of the following items for each year for a fifteen-year period commencing with the year in which the report is filed:
- A. Capital balances as of January 1
 - B. Capital ratios as of January 1
 - C. Imbedded costs of debt and preferred stock
 - D. Debt, preferred and common stock issues:
 - 1. Amount (\$ and shares)
 - 2. Yield and cost of each issue
 - E. Income tax information
 - 1. Tax operating expense
 - 2. State tax depreciation
 - 3. Federal tax depreciation
 - 4. ITC or other credits available and used
 - F. Short-term debt balances
 - G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction
- IV. Data showing the estimated Results of Operation for electric utility operations for each year for a fifteen-year (15) period, commencing with the year in which the report is filed, in the formal set forth below:
- A. Kilowatt-hour Sales
 - 1. Total
 - 2. Residential
 - B. Average Price (¢/kWh)
 - C. Number of Residential Customers
 - D. Gross Revenue - Total
 - 1. Base Rates
 - 2. ECAC Rates
 - 3. ECAC Rate Increases
 - 4. Non-ECAC Rate Increases
 - 5. Misc. Operating Revenues

E. Operating Expenses - Total

1. Production - Fuel and Purchased Power - Total
 - a. Oil
 - b. Gas
 - c. Nuclear
 - d. Coal
 - e. Geothermal
 - f. Combined Cycle
 - g. Purchased Power
 - h. Other (explain)
2. Production O&M (non-fuel)
3. Transmission
4. Distribution
5. Customer Accounts
6. A&G
7. Depreciation & Amortization
8. Taxes - Total
 - a. State Income
 - b. Federal Income
 - c. Ad Valorem
 - d. Other
9. Other (explain)

F. Net Operating Income

G. Rate Base (Weighted Average)

H. Rate of Return

I. Net-to-Gross Multiplier

- V. For those electric utilities which also operate other public utility departments, such as natural gas, steam, and water service, an estimate of the following financial information by department for each year for a fifteen-year (15) period, commencing with the year in which the report is filed. Any separate utility operation that contributes to less than one (1) percent of the utility's total gross operating revenues may be excluded.

- A. Gross Revenue
- B. Operating Expenses
- C. Net Operating Income
- D. Rate Base (Weighted Average)
- E. Rate of Return

VI. The following variable will be provided by the staff of the Public Utilities Commission for use by the utility in generating certain financial information required by Appendix A:

- A. Return on Common Equity
- B. Dividend Yield
- C. Market to Book Ratio
- D. Cost of Long-Term Debt (including incremental cost)
- E. Cost of Preferred Stock (including incremental cost)
- F. Common Stock Price
- G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction

These variable will be furnished 60 days before the annual utility report is due and will be developed by the staff based on its independent expertise.

**Appendix B –
General Order No. 131-D**

**INFORMATION TO BE INCLUDED IN AN APPLICATION FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY FOR ELECTRIC GENERATING FACILITIES**

- I. A detailed description of the proposed generating facility and related facilities and the manner in which the same will be constructed, including the type, size, fuel capabilities, and capacity of the generating facilities.
- II. A map of suitable scale showing the location of the proposed power plant and related facilities, and a description of the location of the proposed power plant and related facilities.
- III. A listing of federal, state, regional, county, district, or municipal agencies from which approvals either have been obtained or will be required covering various aspects of the proposed facility, including any franchises and health and safety permits and the planned schedule for obtaining those approvals not yet received.
- IV. Load and resource data setting forth recorded and estimated loads (energy and demands), available capacity and energy, and margins for 5 years actual and 20 years estimated on the same basis, as reported to the CEC including a statement of the compatibility of the proposed generating facility with the most recent biennial report issued by the CEC pursuant to Section 25309 of the Public Resources Code.
- V. Existing rated and effective operating capacity of generating plants and the planned additions for a ten-year (10) period.
- VI. Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kWh (1) at plant, and (2) including related transmission, levelized for the economic life of the plant, year by year for the 12 years commencing with the date of commercial operation of the plant, and comparative costs of other alternatives considered on a levelized or year-by-year basis depending upon availability of data. Estimated capital and operating costs of power to be generated by the proposed plant for all competitive fuels which may be lawfully used in the proposed plant. When substantially the same data are prepared for utility planning purposes they may be used to satisfy all or any portion of these requirements.
- VII. For any nuclear plant a statement indicating that the requisite safety and other license approvals have been obtained or will be applied for.
- VIII. Such additional information and data as may be necessary for a full understanding and evaluation of the proposal.

(End of Appendix)