



**FILED**

12/27/24

09:47 AM

R2305018

# ATTACHMENT B

General Order 131-E

**GENERAL ORDER NO. 131-E  
(Supersedes General Order No. 131-D)**

**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 [DATE] by Decision [XX-XX-XXX]**

**SECTION I. GENERAL**

Pursuant to the provisions of Sections 451, 564, 701, 702, 761, 762, 768, 770, 1001 and 1001.1 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 the California Public Utilities Commission (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 or switchyards without first complying with the provisions of this General Order.

For purposes of this General Order, the following definitions shall apply:

- A. A "transmission line" is a line designed to operate at or above 200 kilovolts (kV).
- B. A "power line" is a line designed to operate between 50 and 200 kV.
- C. A "distribution line" is a line designed to operate under 50 kV.
- D. "Construction" does not include the following, so long as that work does not result in a serious or major disturbance to an environmental resource: (1) installation of environmental monitoring equipment; (2) soil or geological investigation; or (3) work to determine the feasibility of the use of the site for the proposed facilities.
- E. An "existing electrical transmission facility" is an electrical transmission line, power line, substation, or switchyard that has been constructed for operation at or above 50 kV.

- F. An “extension” is:
1. An increase in the length of an existing electrical transmission facility within existing transmission easements, rights-of-way, or franchise agreements; or
  2. One of the following types of projects:
    - a. Generation tie-line (gen-tie) segments, i.e., the construction of a new transmission or power line from an existing electrical transmission facility to connect to a new electric generation facility; or
    - b. Substation loop-ins, i.e., looping one or more existing transmission lines into and out of a new California Independent System Operator (CAISO)-approved substation.
- G. An “expansion” is an increase in the width, capacity, or capability of an existing electrical transmission facility, including but not limited to the following types of projects:
1. Rewiring or reconductoring to increase the capacity of an existing transmission line.
  2. Expanding the load carrying capacity of existing towers.
  3. Converting a single-circuit transmission line to a double-circuit line.
- H. An “upgrade” is the replacement or alteration of existing electrical transmission facilities, or components thereof, to enhance the rating, voltage, capacity, capability, or quality of those facilities, including but not limited to the following types of projects:
1. Reconductoring existing transmission or power lines to use conductors with greater power transfer capability and/or increased voltage levels, where the reconductoring requires replacement of the existing supporting structures.
  2. Adding smart grid capabilities or aboveground wildfire hardening equipment to an existing transmission or power line.
  3. Installing new mid-line series capacitors on a transmission or power line to support an increase in the power transfer capability of the line.
- I. A “modification” is a change to an existing electrical transmission facility or equipment without extending or expanding the physical footprint of the facility.
- J. “Equivalent facilities or structures” are new transmission line or power

line facilities or supporting structures that are installed to replace existing transmission line or power line facilities or supporting structures, or new substation or switchyard facilities or equipment that are installed to replace existing substation or switchyard facilities or equipment, and that provide power at no greater voltage than the facilities or structures being replaced.

- K. “Accessories” are transmission line, power line, substation, or switchyard equipment required for the safe and reliable operation of the transmission system, including but not limited to switches, connectors, relays, real-time monitoring equipment (e.g., telemetry, SCADA), communications and weather monitoring equipment, fiber optic grounding wires, and control cabinets.

## **SECTION II. PURPOSE OF THIS GENERAL ORDER**

The Commission has adopted 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), Stats. 2022, Assembly Bill No. 1373 (Garcia), Stats. 2023, Assembly Bill No. 2292 (Petrie-Norris), Stats. 2024, and Assembly Bill No. 551 (Bennett), Stats. 2024;
- The need for public notice and the opportunity for affected parties to be heard by the Commission; and
- The obligations of the utilities to serve their customers in a timely and efficient manner.

## **SECTION III. NEED FOR COMMISSION AUTHORIZATION**

### **A. Certificate of Public Convenience and Necessity (CPCN)**

1. No electric public utility shall begin construction in this state of any of the following without first obtaining a certificate of public convenience and necessity (CPCN) from the Commission:
  - a. A new electric generating plant having in aggregate a net capacity available at the busbar more than 50 megawatts (MW).
  - b. The modification of, alteration of, 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.
  - c. Electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more (except

for the replacement of existing transmission line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing transmission 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).

2. The following project types, even if involving a transmission line, do not require a CPCN. In lieu of filing an application to obtain a CPCN, utilities are authorized to file a permit to construct application or claim an exemption for these project types under Section III.B:
  - a. An extension, expansion, upgrade, or other modification to an electric public utility's existing electrical transmission facilities (including electric transmission lines, substations, and switchyards) within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above a 200 kV voltage level.

**B. Permit to Construct (PTC)**

1. No electric public utility shall begin construction in this state of any of the following without first obtaining a PTC from the Commission:
  - a. Any electric power line facilities, substations, or switchyards which are designed for immediate or eventual operation at any voltage between 50 kV and 200kV;
  - b. New or upgraded substations or switchyards with high side voltage exceeding 50 kV; or
  - c. The extension, expansion, upgrade, or other modification of existing electrical transmission facilities, except where exemptions apply as specified in Section III.B.2 and Section III.C.1, or where the utility elects to file a CPCN application pursuant to Section III.A.
2. Notwithstanding Section III.B.1, a PTC is not required for:
  - a. The replacement of existing power line facilities or supporting structures, or existing substation facilities or equipment, with equivalent facilities or structures.
  - b. 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.

- c. The conversion of existing overhead lines to underground.
  - d. The placing of new or additional conductors (including advanced conductors), insulators, or their accessories on supporting structures already built.
  - e. Power lines, substations, or switchyards to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project.
  - f. Power line facilities, substations, or switchyards to be located in an existing franchise, road-widening setback easement, or public utility easement; or power line facilities, substations, or switchyards in an existing right-of-way (ROW), fee-owned property, or other property on which a public utility has a legal right to operate existing power line facilities, substations, or switchyards; or power line facilities, substations, or switchyards in a utility corridor designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.
  - g. The construction of projects that are categorically exempt pursuant to § 15300 et seq. of the Guidelines adopted to implement CEQA, 14 California Code of Regulations § 15000 et seq. (CEQA Guidelines).
  - h. The construction of projects that are statutorily exempt pursuant to § 15260 et seq. of the CEQA Guidelines.
3. The PTC exemptions cited in III.B.2 (a) through (f) shall not apply when there is reasonable possibility that the activity may impact an environmental resource of hazardous or critical concern pursuant to § 15300.2(a) of the CEQA Guidelines where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies. The PTC exemption cited in III.B.2 (g) shall not apply when a project is categorically exempt pursuant to §§ 15303, 15304, 15305, 15306, or 15311 of the CEQA Guidelines and there is reasonable possibility that the activity may impact an environmental resource of hazardous or critical concern pursuant to § 15300.2(a) of the CEQA Guidelines where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies.
4. When a PTC is not required based on the exemptions above, notice of the proposed construction must be made in compliance with Section VIII.B below, except that notice of the proposed construction of projects that are statutorily or categorically exempt pursuant to the CEQA Guidelines must be reported to the Commission's Energy Division staff as described in Section IV.

5. If a protest of the construction of facilities claimed by the utility to be exempt from compliance with Section VIII.B is timely filed pursuant to Section IX, construction may not commence until the Executive Director or Commission has issued a final determination.

**C. Electric Distribution Lines and Other Substation Projects**

1. Notwithstanding Section III.A or Section III.B, construction of the following does not require the issuance of a CPCN or PTC by this Commission nor discretionary permits or approvals by local governments.
  - a. Distribution line facilities;
  - b. New, expanded, or upgraded substations or switchyards with a high side voltage under 50 kV;
  - c. Substation or switchyard modification projects which do not result in an expanded, extended, or upgraded substation or switchyard; or
  - d. Substation or switchyard upgrade or modification projects which increase the voltage of an existing substation or switchyard to the voltage for which the substation or switchyard has been previously rated within the existing substation or switchyard boundaries.
2. For projects described in Section III.C.1., to ensure safety and compliance with local building standards, the utility must first communicate with, and request 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 REPORTING ON PLANNED TRANSMISSION, POWER LINE, AND SUBSTATION FACILITIES**

- A. Each year, on or before July 31, every electric public utility, including independent transmission owners, shall submit to the Energy Division an electronic copy of a report on all planned transmission line, power line, substation, or switchyard facility projects that have cost or are projected to cost over \$1 million, and that had capital expenditures in the prior five years or will have capital expenditures in the next four years:
  1. The annual report shall include:
    - a. Project name, including any other past or current names used;

- b. Location, including all cities and counties included in the scope of the project;
- c. Project description: A general overview of the project;
- d. Transmission or power line names, and/or substation and switchyard names;
- e. Transmission project size (length in miles);
- f. Substation or switchyard project footprint (acres);
- g. Number of circuits;
- h. Transmission voltage level (kV);
- i. Substation or transformer capacity (MVA) under normal and emergency contingency operating levels;
- j. CAISO year (year when approved by CAISO, if applicable);
- k. Commission filing type (CPCN, PTC, Advice Letter, or if expected or found to be categorically or statutorily exempt from CEQA pursuant to Section III.B.2, or projects for which the utility did not file an application pursuant to the criteria in Section III.A.1.c);
- l. Commission application file date;
- m. Commission application approval date;
- n. Construction start date;
- o. Original planned in-service date;
- p. Current projected or actual in-service date;
- q. Reason for change in in-service date;
- r. Year and actual dollars put into FERC-jurisdictional rate base (\$000); and
- s. Year and actual dollars put into Commission-jurisdictional rate base (if applicable).

2. This report is expected to be separate and distinct from the Transmission Project Review (TPR) Process reports first required by Resolution E-5252. However, for entities that participate in the TPR Process, the latest TPR data deemed compliant by the Commission's Energy Division (Energy Division) shall be used to complete this report.

B. On a quarterly basis, every electric public utility, including independent transmission owners, shall organize a meeting with the Energy Division, unless Energy Division staff confirm in writing that such a meeting is not needed. At that meeting, the utility will present a briefing that includes the following:

1. A forecast of all transmission line, power line, substation, and/or switchyard facility projects over \$1 million that will have any capital expenditures in the current year and/or four future years, including CAISO-approved projects and non-CAISO approved projects.



2. A forecast of any CPCN or PTC applications or advice letters expected to be submitted within the following two years, including expected filing dates.
  3. A list of all projects expected to be determined to be categorically or statutorily exempt from CEQA pursuant to Section III.B.2.
  4. The original planned in-service date, current projected in-service date, and reason for any change in the projected in-service date for each project.
- C. Each year, on or before July 31, every electric public utility, including independent transmission owners, shall furnish a report to the Commission of the financial information designated in Appendix A. However, a public utility shall not be required to submit such financial information if the utility does not plan, for a 15-year period commencing with the year in which the financial information is to be filed, to construct any electric transmission line, power line, substation, or switchyard that is Federal Energy Regulatory Commission (FERC) jurisdictional and under the control of the CAISO (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 V. 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 California Energy Commission (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), Public Utilities Code Section 1001, and CEQA, this Commission's Rules of Practice and Procedure 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 provide an electronic copy of the NOI to the Executive Director of this Commission.
- C. When an electric utility files with the CEC an application for certification (AFC) to construct an electric generating facility pursuant to Section 25519 of the Public Resources Code and any AFC regulations of the CEC, it shall provide an electronic copy of the AFC, including 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 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 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 §§ 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 §§ 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. If 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. If 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 VI. 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 and related transmission facilities, or proposing to modify an existing generation facility and related transmission facilities in this state in order to increase the total generating capacity of the generation facility by 50 MW or more net capacity available at the busbar, shall initiate pre-filing consultation with Energy Division staff pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure not less than six (6) months prior to the filing of a CPCN application and shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless Energy Division staff authorize a shorter period in writing.

- A. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure. 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. Any measures taken or proposed by the utility to reduce the

- potential exposure to electric and magnetic fields (EMFs) generated by the proposed facilities.
8. Demonstration of compliance with other applicable Commission policies (e.g., the Environmental and Social Justice (ESJ) Action Plan).
  9. A Proponent's Environment Assessment (PEA) or equivalent information 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 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 8, above. An applicant may file a draft version of an initial study, Negative Declaration (ND), Mitigated Negative Declaration (MND), Environmental Impact Report (EIR), Addendum, or analysis of the applicability of an exemption from CEQA instead of a PEA in compliance with the requirements of VI.B below.
- B. Notwithstanding any other provision herein, to support the Commission in its preparation of a CEQA document for a project, an applicant may elect to prepare and submit with its application, in lieu of a PEA, a draft version of an initial study, ND, MND, EIR, Addendum, or analysis of the applicability of an exemption from CEQA; provided that applicants electing to prepare and submit draft versions of CEQA documents must first initiate pre-filing consultation with Energy Division staff pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure at least six (6) months prior to the filing of the application and earlier if reasonably feasible, unless Energy Division staff authorize a shorter period in writing, and provides the draft documents to Energy Division staff for review during the pre-filing period.
1. An applicant-prepared version of a draft CEQA document shall comply with the CEQA Guidelines and Public Resources Code § 21000 et seq., shall provide substantial evidence for all findings and conclusions, and shall include any required issue-specific technical studies (e.g., biological resource studies, cultural resource studies).
  2. In accordance with CEQA Guidelines § 15084, the Commission shall subject all materials prepared by others to independent review and analysis. Any CEQA document circulated for public review shall reflect the independent judgment of the Commission.
- C. No later than 30 days after the filing of the CPCN application, the Commission staff shall review it and notify the utility of any deficiencies

in the information and data submitted in the application.

- D. The utility shall correct any deficiencies within 60 days after notice or explain in writing to the Commission staff why it is unable to do so. The utility shall include in any such letter an estimate of when it will be able to correct the deficiencies.
- E. Upon correction of any deficiencies in the application, Commission staff shall determine whether CEQA applies, and if so, whether an EIR, mitigated negative declaration (MND), or negative declaration (ND) has been or will be prepared. The process required by CEQA and Commission Rules 2.4 and 2.5 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 § 65920 et seq. (the Permit Streamlining Act).

## **SECTION VII. TRANSMISSION LINE, POWER LINE, AND SUBSTATION FACILITIES**

### **A. Transmission Line Facilities of 200 kV and Over**

- 1. An electric public utility desiring to build transmission line facilities in this state for immediate or eventual operation at or above 200 kV that require a CPCN under Section III.A, above, shall:
  - a. File an application 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;
  - b. Provide written notice to Energy Division staff not less than 12 months prior to the filing of a CPCN application (unless Energy Division staff authorize a shorter period in writing); and
  - c. Initiate pre-filing consultation with Energy Division staff pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure not less than six (6) months prior to the filing of a CPCN application unless Energy Division staff authorize a shorter period in writing.
- 2. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure 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 California Native American Heritage Commission, which shall constitute notice on 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. Any measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields (EMFs) generated by the proposed facilities.
- i. Demonstration of compliance with other applicable Commission policies (e.g., the ESJ Action Plan).
- j. 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, Rules 2.4 and 2.5. If a PEA is filed, it may include the data described in Items a through i above. An applicant may file a draft version of an initial study, ND, MND, EIR, Addendum, or analysis of the applicability of an exemption from CEQA instead of a PEA in compliance with the requirements in VII.C below.



3. 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.
4. The utility shall correct any deficiencies within 60 days after notice or explain in writing to the Commission staff why it is unable to do so. The utility shall include in any such letter an estimate of when it will be able to correct the deficiencies.
5. Upon correction of any deficiencies in the application, the Commission staff shall determine whether CEQA applies, and if so, whether an EIR, MND, or ND has been or will be prepared. The process required by CEQA and Commission Rules of Practice and Procedure 2.4 and 2.5 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 §§ 65920 et seq. (the Permit Streamlining Act).

**B. Transmission Line, Power Line, Substation, and Switchyard Facilities Designed to Operate Over 50 kV Which Are Not Included in Subsection A**

1. Unless already included in an application before this Commission for a CPCN, an electric public utility desiring to build transmission line, power line, substation, or switchyard facilities in this state for immediate or eventual operation over 50 kV that require a PTC under Section III.B, above, shall:
  - a. File an application for a PTC application not less than nine (9) months prior to the date of a required decision by the Commission;
  - b. Provide written notice to Energy Division staff not less than 12 months prior to the filing of a PTC application (unless Energy Division staff authorize a shorter period in writing); and
  - c. Initiate pre-filing consultation with Energy Division staff pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure not less than six (6) months prior to the filing of a PTC application unless Energy Division staff authorize a shorter period in writing.
2. A PTC application shall comply with the Commission's Rules of Practice and Procedure, including Rules 2.4 and 2.5, and shall include the following:

- a. A description of the proposed power line or substation or switchyard 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 or switchyard 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 or switchyard.
  - c. Reasons for adoption of the power line route or substation or switchyard 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 or switchyard 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 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. Any measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields (EMFs) generated by the proposed facilities.
  - f. Demonstration of compliance with other applicable Commission policies (e.g., the ESJ Action Plan).
  - g. 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 2.4 and 2.5. If a PEA is filed, it may include the data described in Items a through f above. An applicant may file a draft version of an initial study, ND, MND, EIR, Addendum, or analysis of the applicability of an exemption from CEQA instead of a PEA in compliance with the requirements in VII.C below.
3. An application for a PTC need not include 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.

4. No later than 30 days after the filing of the application for a PTC, the Energy Division shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application.
5. Within 30 days of notice of such notice, the utility shall correct any deficiencies or explain in writing to the Energy Division when it will be able to correct the deficiencies or why it is unable to do so.
6. Upon correction of any deficiencies in the application, the Energy Division shall determine whether CEQA applies, and if so, whether an EIR, MND, or ND must be prepared, and the process required by CEQA and the Commission's Rules of Practice and Procedure 2.4 and 2.5 will be followed.
7. If the Commission finds that a project properly qualifies for an exemption from CEQA, the Commission will timely grant or deny the PTC application.
8. If the Energy Division determines, after the completion of an initial study, that the project would not have a significant adverse impact on the environment, the Energy Division will prepare an ND. If the initial study identifies potential significant effects, but the utility revises its proposal to avoid those effects, the Commission may adopt an MND.
9. If the initial study identifies potentially significant environmental effects, the Energy Division will prepare an EIR. 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 PTC.

**C. Preparation of CEQA Documents and Commission Decision**

1. Notwithstanding any other provision herein, to support the Commission in its preparation of a CEQA document for a project, an applicant may elect to prepare and submit with its application, in lieu of a PEA, a draft version of: an initial study, ND, MND, EIR, Addendum, or analysis of the applicability of an exemption from CEQA; provided that applicants electing to prepare and submit draft versions of CEQA documents must first initiate pre-filing consultation with Energy Division staff

pursuant to Rule 2.4 of the Commission's Rules of Practice and Procedure at least six (6) months prior to the filing of the application and earlier if reasonably feasible, unless Energy Division staff authorize a shorter period in writing, and provides the draft documents to Energy Division staff for review during the pre-filing period.

- a. An applicant-prepared draft version of a CEQA document shall comply with the CEQA Guidelines and Public Resources Code § 21000 et seq, shall provide substantial evidence for all findings and conclusions, and shall include any required issue-specific technical studies (e.g., biological resource studies, cultural resource studies).
  - b. In accordance with CEQA Guidelines § 15084, the Commission shall subject all materials prepared by others to independent review and analysis. Any CEQA document sent out for public review shall reflect the independent judgment of the Commission.
2. 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, the following will occur:
- a. The project need from the CAISO transmission plan shall form the basis of the statement of objectives required by 14 Cal. Code Regs. § 15124(b) in a CEQA document.
  - b. In a proceeding evaluating the issuance of a CPCN for a proposed transmission project, if the applicant demonstrates that all the requirements of Public Utilities Code § 1001.1 are satisfied, the Commission shall establish a rebuttable presumption in favor of a CAISO governing board-approved finding that such project is needed.
  - c. The range of reasonable alternatives to the proposed project in an initial draft EIR circulated for public comment may be limited to alternative routes or locations for construction of the relevant CAISO transmission plan-approved electric project and the "no action" alternative.

## SECTION VIII. NOTICE

### A. Applications for a CPCN or PTC

Notice of the filing of each application for a CPCN required by Section

III.A of this General Order and of the filing of each application for a PTC required by Section III.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 Wildlife, the Department of Health Care Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested such notification.
  - b. 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 California Coastal Commission, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction
  - c. 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.
2. By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation that serves 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.
3. By posting a notice on-site and off-site where the project would be located.

A copy of the notice shall be provided to the Commission's Public Advisor and the 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.

A copy of each application for electric generation facilities shall be served on the Executive Director of the CEC. If applicable, a copy shall be served on the Executive Director of the Coastal

Commission. If applicable, a copy 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 a copy of its application to said public agency. A copy of the application shall be posted on the utility's website.

B. Transmission Line, Power Line, Substation, and Switchyard Facilities Designed to Operate Over 50 kV Which Are Not Included in Subsection A

The utility shall give notice of the construction of any transmission line, power line, substation, or switchyard facilities designed to operate over 50 kV deemed exempt pursuant to Section III.B.2 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;
2. Advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation that serves 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;
3. By posting a notice on-site and off-site where the project would be located; and
4. Filing a Tier 2 advice letter with the Energy Division in accordance with General Order 96-B, which includes a copy and distribution list of the notices required by items 1-3 herein. On the same day, a copy of the advice letter must be delivered to the Commission's Public Advisor.

C. Contents of Notices

Each utility shall consult with the Energy Division and Commission's 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 Commission 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 or available equivalent, from the utility; and
  5. The applicable procedure for protesting the application or advice letter, as defined in Sections IX and X, including the grounds for protest, when the protest period expires, delivery addresses for the Commission's Docket Office, Energy Division, and the applicant and how to contact the Commission's Public Advisor for assistance in filing a protest.

## **SECTION IX. PROTEST AND REQUEST FOR PUBLIC HEARINGS**

Pursuant to Rule 2.6 of the Commission's Rules of Practice and Procedure, those to whom notice has been sent under Section VIII.A and any other person entitled under the Commission's Rules of Practice and Procedure to participate in a proceeding for a CPCN or a PTC 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 Rule 2.6. 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 X. PROTEST TO REQUIRE THE UTILITY TO FILE FOR PTC**

Those to whom notice has been given under Section VIII.B and any other person or entity entitled to participate in a proceeding for a PTC 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, or grounds for protest under General Order 96-B section 7.4.2 exist. The protest shall be filed with the Energy Division, specifying the relevant utility advice letter number, in accordance with General Order 96-B, Sections 3.11, 7.4.1, and 7.4.2. 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 Energy Division. Construction shall not commence until the Executive Director has disposed of the protest.

Within 30 days after the utility has submitted its response, the Executive Director,

after consulting with the Energy Division, shall issue a disposition letter on whether: the utility is to file an application for a PTC, 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 the disposition letter to the Commission's Public Advisor.

The utility, any persons that filed a protest to the advice letter, any third party whose name and interest in the relief sought appear on the face of the advice letter, or a person authorized under exceptional circumstances as set forth in General Order 96-B or its successor regulation, may contest the Executive Director disposition by filing an application for rehearing consistent with Rule 16.1 within 10 days of the issuance of the disposition letter.

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

#### **SECTION XI. 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 Article 4 of the Commission's Rules of Practice and Procedure. 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 (Rule of Practice and Procedure 4.2(b)).
- B. This General Order clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric 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.
- 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 Article 4 of the Commission's Rules of Practice and Procedure.

#### **SECTION XII. 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 XIII. CEQA COMPLIANCE**

Construction of facilities for which a CPCN or PTC 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, MND, or ND. Where authority must be granted for a project by this Commission, applicants shall comply with Rules 2.4 and 2.5 of the Commission's Rules of Practice and Procedure.

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 VI and VII.A herein or electric power lines or substations as defined in Section VII.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).

Pursuant to CEQA Guidelines § 15107 and 15110, the Commission strives to complete Proposed Final MNDs or NDs for projects without federal agency involvement within 270 days or sooner from the date the PTC or CPCN application is deemed complete. Pursuant to CEQA Guidelines §§ 15108 and 15110, the Commission strives to complete Proposed EIRs for projects without federal agency involvement within 455 days or sooner from the date the application is deemed complete. CEQA Guidelines §§ 15109 and 15110 shall apply regarding the suspension of time periods and projects with federal involvement.

Projects requiring Commission approval of a PTC that qualify for an MND or ND and have no federal agency involvement may involve completion of CEQA review within 270 days. Pursuant to CEQA Guidelines § 15070, the Commission shall prepare or have prepared a proposed ND or MND for a project when:

- A. The initial study shows that there is no substantial evidence (as defined in CEQA Guidelines § 15384), in light of the whole record before the agency, that the project may have a significant effect on the environment, or
- B. The initial study identifies potentially significant effects, but:
  1. Revisions in the project plans or proposals made by, or agreed to by

the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and

2. There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.



## Appendix A - General Order No. 131-E

### INFORMATION TO BE INCLUDED IN THE UTILITY REPORT REGARDING FINANCING OF NEW ELECTRIC TRANSMISSION LINE, POWER LINE, SUBSTATION, AND SWITCHYARD 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 Transmission
    2. Miscellaneous
    3. Total
  - B. Capital Costs to be Added to FERC Jurisdictional Transmission Rate Base
    1. Direct Material Costs
    2. Direct Labor Costs
    3. Allowance for Funds Used During Construction (AFUDC)
    4. Construction Work in Progress (CWIP) added to rate base due to incentive
    5. Overhead
    6. Percentage of Original CAISO Project Cost Estimate spent to date (where applicable)
    7. Others
  - C. Long-Term Transmission Capital Costs
    1. Rate of Return
      - Return on Equity (ROE) (common stock)
      - Return on Preferred Stock
      - Long-Term Debt
    2. Depreciation
      - Rate (%)
      - Method (e.g., straight-line, fixed)
      - Period (years)
      - Total (nominal \$ to date)
    3. Taxes on ROE
  - D. Transmission Operating and Maintenance (O&M) and Administrative and General (A&G) Expenses and Taxes
    1. Transmission O&M
    2. Transmission A&G
    3. Insurance

4. Taxes on Income
5. Property and Other Taxes
6. Other
7. Total

E. Net Transmission Income

## Appendix B – General Order No. 131-E

### 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)

R.23-05-018 COM/KDL/jnf

**(END OF ATTACHMENT B)**