

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



FILED

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

Rulemaking 23-05-018
(Filed May 18, 2023)

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**AMERICAN CLEAN POWER – CALIFORNIA RESPONSE TO THE PROTECT OUR
COMMUNITIES FOUNDATION, CENTER FOR BIOLOGICAL DIVERSITY, ACTON
TOWN COUNCIL, CALIFORNIA FARM BUREAU FEDERATION, ANZA BORREGO
FOUNDATION, AND DEFENDERS OF WILDLIFE APPLICATION FOR REHEARING
OF D.25-01-055, DECISION ADOPTING GENERAL ORDER 131-E**

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March 25, 2025

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In accordance with Rule 16.1(d) of the California Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, American Clean Power – California (“ACP-California”)¹ submits the following response to *The Protect Our Communities Foundation, Center for Biological Diversity, Acton Town Council, California Farm Bureau Federation, Anza Borrego Foundation, and Defenders of Wildlife Application For Rehearing of D.25-01-055, Decision Adopting General Order 131-E*, filed on March 10, 2025 (“Application”).

The Application offers a litany of arguments alleging that the Commission’s implementation of General Order (“GO”) 131-E would violate the requirements of the California Environmental Quality Act (“CEQA”). GO 131-E was developed through a robust, public process over the course of more than a year. GO 131-E was informed by two robust staff proposals and numerous opportunities for public comment. Decision 25-01-055 is a 150-page decision that carefully considers parties’ positions and numerous legal requirements governing transmission permitting. Throughout the decision, the Commission explicitly addressed the substantive requirements of CEQA and ensures that the Commission will be positioned to fulfill the fundamental objective of CEQA (i.e., informing the public of potentially significant environmental

¹ The American Clean Power Association (“ACP”) is the voice of companies from across the clean power sector that are providing cost-effective solutions to the climate crisis while creating jobs, spurring massive investment in the American economy, and driving high tech innovation across the United States. ACP’s mission is to transform the U.S. power grid to a low-cost, reliable, and renewable power system. ACP-California is a state project of ACP, representing companies who develop, own, and operate utility-scale solar, storage, land-based wind, offshore wind, enhanced geothermal, conventional geothermal, and transmission assets to power a clean and renewable economy for California and the West.

impacts). For example, the Commission implemented new statutory requirements under Assembly Bill (“AB”) 1373 and AB 2292, which generally require the Commission to defer to the California Independent System Operator’s (“CAISO”) need determinations for new large transmission projects. But the Commission declined to defer to other aspects of CAISO’s process that bears on CEQA, such as the consideration of project alternatives.² Instead of simply deferring to CAISO, GO 131-E is clear that it “preserve[s] the Commission’s role as lead agency entrusted with the responsibility to certify [Certificates of Public Convenience and Necessity] that avoid or mitigate significant environmental impacts associated with proposed projects.”³ Despite this direction to Commission staff to fully consider feasible alternatives, the parties to the Application argue that the Commission is somehow not fulfilling the requirements of CEQA. These arguments that GO 131-E violates CEQA are without merit.

In light of how carefully and thoroughly the Commission addressed its requirements under CEQA, and the clear statutory imperative to accelerate transmission development, the Commission should reject the Application.

DATED: March 25, 2025

Respectfully submitted,

/s/

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² See D.25-01-055 at 64 (“Despite the enactment of AB 2292...we find that the Settling Parties’ proposed language limits the range of reasonable and acceptable alternatives considered in an initial draft [Environmental Impact Report] per requirements in the CEQA Guidelines”).

³ *Id.*