

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



FILED

07/24/26
04:59 PM
A2407018

Application of LS Power Grid California, LLC
(U-247-E) for a Certificate of Public
Convenience and Necessity Authorizing
Construction of the Collinsville 500/230 kV
Substation Project.

Application 24-07-018
(Filed July 30, 2024)

REPLY BRIEF OF LS POWER GRID CALIFORNIA, LLC (U-247-E)

DOWNEY BRAND LLP
Brian T. Cragg
Christopher M. Marelich
455 Market Street, Suite 1500
San Francisco, California 94105
Telephone: (415) 848-4800
Email: bcragg@DowneyBrand.com

Date: July 24, 2026

Attorneys for LS Power Grid California, LLC

TABLE OF CONTENTS

Page

I.	THE COLLINSVILLE PROJECT SERVES THE PUBLIC CONVENIENCE AND NECESSITY (ISSUE 1)	3
A.	The Collinsville Project Continues to Be Included in Subsequent Transmission Plans	4
B.	The Collinsville Project Will Create a New Path for 500 kV Power to Flow to the Greater Bay Area	5
C.	The Collinsville Project Is Needed to Address Thermal Overheating Problems on the Contra Costa-Newark Corridor	6
D.	Approval of the Collinsville Project Was Not Tied to Humboldt Offshore Wind	8
1.	The Justifications Stated in the 2021-2022 Transmission Plan Did Not Include Support of Humboldt Offshore Wind	8
2.	The Chronology Does Not Support a Link Between the Collinsville Project and Humboldt Offshore Wind	10
3.	The Collinsville Substation, as Approved, Cannot Accommodate the Humboldt Transmission Line	11
E.	The Commission’s Finding of Public Convenience and Necessity Is Not Constrained by a Project’s Stated Justifications	12
F.	CAF’s Analogy to the Coolwater-Lugo Case Is Flawed	13
G.	Other Contentions	15
II.	THE REBUTTABLE PRESUMPTION APPLIES (ISSUE 2)	16
A.	The CAISO Board Made the Required Finding	17
B.	There Has Been No Substantial Change to the In-service Date	18
C.	Other Conditions Have Been Satisfied	19
III.	THE FINAL EIR IDENTIFIES THE SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE COLLINSVILLE PROJECT AND THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 3)	19
A.	The Final EIR Properly Distinguishes Project Features from Mitigation Measures	20
B.	The Final EIR Properly Analyzed GHG Emissions	25
C.	The Final EIR Identified the Significant Environmental Impacts	28
IV.	FEASIBLE MITIGATION MEASURES WILL AVOID OR LESSEN THE SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE COLLINSVILLE PROJECT (ISSUE 4)	29
V.	THE PROPOSED PROJECT AND THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 5)	29
A.	The Project Objectives Are Not “Stale”	29

TABLE OF CONTENTS
(Continued)

	<u>Page</u>
B. The Project Objectives Are Appropriate.....	31
C. The Pittsburgh Alternatives Were Properly Screened from Further Analysis	34
D. CAF’s Post-EIR Proposed Alternatives Should Not Be Considered.....	36
E. The Commission Should Not Revise or Recirculate the Final EIR.....	38
VI. THE MITIGATION MEASURES AND ENVIRONMENTALLY SUPERIOR ALTERNATIVES ARE FEASIBLE (ISSUE 6)	40
VII. OVERRIDING CONSIDERATIONS JUSTIFY APPROVAL OF THE PROPOSED PROJECT OR THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 7)	40
VIII. COMPLIANCE WITH CEQA (ISSUE 8).....	43
IX. THE APPLICATION MEETS THE REQUIREMENTS OF GENERAL ORDER 131-D (ISSUE 9).....	43
X. THE COLLINSVILLE PROJECT IS CONSISTENT WITH COMMUNITY VALUES (ISSUE 10)	44
XI. THE MAXIMUM PRUDENT AND REASONABLE COST OF THE PROJECT (ISSUE 11).....	50
XII. IMPACTS ON ENVIRONMENTAL AND SOCIAL JUSTICE COMMUNITIES (ISSUE 12)	50
XIII. THE PROJECT COMPLIES WITH THE COMMISSION’S POLICIES ON MITIGATION OF ELECTRIC AND MAGNETIC FIELDS EFFECTS (ISSUE 13)	51
XIV. CONCLUSION	51

TABLE OF AUTHORITIES

Page

CASES

<i>Center for Biological Diversity v. Department of Fish & Wildlife</i> (2015) 62 Cal.4th 204	26
<i>IBC Business Owners for Sensible Development v. City of Irvine</i> (2023) 88 Cal.App.5th 100	26
<i>Laurel Heights Improvement Assn. v. Regents of University of California</i> (1988) 47 Cal.3d 376	20, 42
<i>Lotus v. Department of Transportation</i> (2014) 223 Cal.App.4th 645	20, 22, 23, 24
<i>Mission Bay Alliance v. Office of Community Investment & Infrastructure</i> (2016) 6 Cal.App.5th 160	22, 23
<i>People ex rel. Bonta v. County of Lake</i> (2024) 105 Cal.App.5th 1222	20, 22, 23, 24
<i>Save Cuyama Valley v. County of Santa Barbara</i> (2013) 213 Cal.App.4th 1059	26
<i>Save the Plastic Bag Coalition v. City of and County of San Francisco</i> (2013) 222 Cal.App.4th 863	21, 23
<i>South County Citizens for Smart Growth v. County of Nevada</i> (2013) 221 Cal.App.4th 316	36, 37
<i>Tiburon Open Space Committee v. County of Marin</i> (2022) 78 Cal.App.5th 700	38
<i>We Advocate Through Environmental Review v. County of Siskiyou</i> (2022) 78 Cal.App.5th 683	30, 32, 33

STATUTES

California Public Utilities Code

§ 583	43
§ 1001	12
§ 1001.1.....	16, 17, 19, 53
§ 1002	45
§ 1003	44

TABLE OF AUTHORITIES
(Continued)

	<u>Page</u>
CEQA, Pub. Resources Code, §§ 21000-21189.91	20
§ 21000(e)	24
§ 21080(e)	20
§ 21168.....	42
§ 21168.5.....	20

OTHER AUTHORITIES

CEQA Guidelines, 14 Cal. Code Regs.,§ 15000-15384	20
§ 15064.4.....	26
§ 15088.5.....	39
§ 15088.5(a)(3)	37
§ 15093.....	41
§ 15124(b).....	30
§ 15126(a)	21
§ 15126.2(a)	21
§ 15126.4.....	21
§ 15126.4(a)	21
§ 15126.4(a)(1)(A).....	23
§ 15126.6(a)	30

DECISIONS OF THE PUBLIC UTILITIES COMMISSION

D. 08-12-058	45
D. 12-07-021	45
D. 15-05-040	13, 14, 15
D. 21-02-008	10

SUMMARY OF RECOMMENDATIONS

In this Reply Brief, LS Power Grid California, LLC (LSPGC) responds to the claims and arguments of California Forever LP and respectfully asks the Commission to adopt the following recommendations:

- Grant LSPGC a Certificate of Public Convenience and Necessity authorizing LSPGC to construct its portion of the Collinsville 500/230 kV Substation Project, as proposed, or the environmentally superior alternative identified in the Final Environmental Impact Report;
- Find that the rebuttable presumption of need under Public Utilities Code section 1001.1 applies and has not been rebutted;
- Find that the Final Environmental Impact Report has identified the significant environmental impacts of construction and operation of the Collinsville 500/230 kV Substation Project and the environmentally superior alternative and has developed mitigation measures that will avoid or lessen the identified significant environmental impacts, except for twelve identified significant and unavoidable impacts for the Collinsville 500/230 kV Substation Project, as proposed, and seven identified significant and unavoidable impacts for the environmentally superior alternative;
- Conclude that the benefits of the Collinsville 500/230 kV Substation Project, as proposed, or the environmentally superior alternative override the significant and unavoidable environmental impacts;
- Certify the Final Environmental Impact Report prepared by Energy Division staff;
- Establish a maximum reasonable and prudent cost for LSPGC's portion of the Collinsville 500/230 kV Substation Project, as proposed, of \$437.6 million and a

maximum reasonable and prudent cost for the environmentally superior alternative of \$447.2 million;

- Find that LSPGC's portion of the Collinsville 500/230 kV Substation Project, as proposed, or the environmentally superior alternative complies with the Commission's policies on Electric and Magnetic Fields; and
- Find that construction of LSPGC's portion of the Collinsville 500/230 kV Substation Project, as proposed, or the environmentally superior alternative aligns with the goals of the Commission's Environmental and Social Justice Action Plan.

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

Application of LS Power Grid California, LLC
(U-247-E) for a Certificate of Public Convenience and
Necessity Authorizing Construction of the Collinsville
500/230 kV Substation Project.

Application 24-07-018
(Filed July 30, 2024)

REPLY BRIEF OF LS POWER GRID CALIFORNIA, LLC (U-247-E)

In its Opening Brief, California Forever LP (CAF) seeks to persuade the Commission to delay or reject the application of LS Power Grid California, LLC (LSPGC) for a Certificate of Public Convenience and Necessity (CPCN) for its portion of the Collinsville 500/230 kV Substation Project. CAF again puts forth its claim that the Collinsville Project¹ is dependent on the success of offshore wind resources in the Humboldt area and that the sole purpose for the Collinsville Project is to serve as the southern terminus for a 500 kV Humboldt-to-Collinsville transmission line. CAF repeats this claim despite being confronted with the facts that (1) the California Independent System Operator (CAISO) approved the Collinsville Project after completing transmission planning studies that had zero megawatts (MW) of offshore wind in the base-case resource portfolio, (2) the CAISO approved the Collinsville Project two years, and two planning cycles, before it approved the Humboldt transmission line, (3) the target in-service date for the Collinsville Project is six years before the in-service date for the Humboldt transmission line, and (4) in successive transmission plans, including the 2025-2026 Transmission Plan, the

¹ Most of the references in this brief will be to the full Collinsville 500/230 kV Substation Project, including the portions to be constructed by LSPGC and Pacific Gas and Electric Company (PG&E), and “the Collinsville Project” or “the Project” will be used to refer to the full Project. When a reference to only the portion to be constructed by LSPGC, the subject of this application, “the Proposed Project” will be used.

CAISO has continued to include the Collinsville Project in its list of needed resources as an approved system element that has not been cancelled, suspended, or re-scoped.

CAF now asserts that most of the original justifications for the Collinsville Project have become “stale” or are no longer in effect, despite the fact that the CAISO, which performs detailed transmission planning studies each year, continues to include the Collinsville Project in its resource assumptions and to express the need for the Project to address the reliability issues that were part of its original justification. CAF now also challenges the development and content of the Final Environmental Impact Report (EIR), urging, among other things, that the Commission must recirculate the Final EIR to include two alternatives that CAF failed to suggest when the Commission was seeking proposals for alternatives during the EIR scoping period or when the Commission invited public comments on the Draft EIR.

CAF also asserts the existence of a land-use conflict between the Proposed Project, sited in an area where wind farms and utility facilities are the dominant structures, and the location of CAF’s proposed new city, seven miles away, a manufacturing park adjacent to the new city, and possibly a shipbuilding facility, almost a mile away from the Proposed Project, despite the fact that these CAF projects are, at this point, little more than concepts, with no approvals or entitlements. In short, CAF’s plans are too vague to support its claim do not show that an actual land-use conflict exists.

In this Reply Brief, LSPGC will show how all the objections and obfuscations CAF puts forward evaporate under closer examination. The facts are clear: The Collinsville Project is needed, regardless of whether Humboldt offshore wind succeeds or not, to provide a new path for 500 kV power to be delivered to the Greater Bay Area load centers and to address repeated thermal overloads on the 230 kV system in the Contra Costa-Newark corridor. The CAISO has

continued to include the Collinsville Project in successive transmission plans. The Final EIR was developed in compliance with the requirements of the California Environmental Quality Act (CEQA) and accurately identifies the environmental impacts of the Project, including several significant and unavoidable impacts that are outweighed by the Project's benefits.

Nothing that CAF has alleged should cause the Commission to delay its decision on the requested CPCN or to revise and recirculate the Final EIR. The Commission should proceed to issue a decision granting LSPGC a CPCN to construct the Proposed Project, issue a statement of overriding considerations, and certify the Final EIR.

As directed by the Assigned Commissioner's Scoping Memo and Ruling of April 21, 2026 (Scoping Memo), the organization of LSPGC's brief will correlate with the issues identified by the Scoping Memo as much as possible, although some parts of the discussion may cross issue boundaries to adequately respond to CAF's presentation of its arguments.

I. THE COLLINSVILLE PROJECT SERVES THE PUBLIC CONVENIENCE AND NECESSITY (ISSUE 1)

In its Opening Brief, CAF addresses the first issue of the Scoping Memo—does the Proposed Project serve the present or future public convenience and necessity?—by contending that two of what it calls the “Three Original Justifications” no longer support a need for the Collinsville Project.² In fact, the CAISO based its finding of need on only two grounds when it approved the Collinsville Project in its 2021-2022 Transmission Plan. First, the CAISO found that Collinsville Project is a policy-driven project that will “provide an additional supply from the 500 kV system into the northern Greater Bay Area that will increase reliability to the area and advance additional renewable generation in the northern area”³ by ensuring the

² Opening Brief of California Forever LP (undated), p. 9 (CAF Brief).

³ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, p. 193.

“deliverability of resources that are needed to meet the State’s policy goals and resource adequacy needs.”⁴ Second, the CAISO concluded that the Collinsville Project has the added reliability benefit of addressing multiple overloads on the 230 kV transmission corridor between the Contra Costa and Newark Substations.⁵ Those justifications continue to be valid, and CAF’s protests to the contrary should be ignored.

CAF’s third “Original Justification,” the Collinsville Project’s ability to serve as a terminus for a new transmission line bringing in offshore wind energy from the Humboldt area to Bay Area load centers, was identified in a sensitivity study as one of three potential options. But the 2021-2022 Transmission Plan’s approval of the Collinsville Project was not based on its connection to offshore wind. As discussed below, the Collinsville Project became the best option for connecting 1,607 MW of Humboldt offshore wind to the Bay Area load centers because it offered deliverability to new resources without the need to construct network upgrades and at a lower cost than an alternative option, and because it would also reduce congestion in the Greater Bay Area.⁶

After discussing a misconception that is at the root of CAF’s arguments, LSPGC will address each of the justifications that CAF claims are “likely now stale.”⁷

A. The Collinsville Project Continues to Be Included in Subsequent Transmission Plans

⁴ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, p. 249.

⁵ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, pp. 192-196.

⁶ Exh. CSO-01, p. 6. See also 2021-2022 Transmission Plan, p. 250 (inadvertently omitted from Exh. LS-04, Attachment A; available at <https://www.caiso.com/documents/isoboardapproved-2021-2022transmissionplan.pdf>).

⁷ CAF Brief, p. 25.

CAF's arguments that the Collinsville Project is no longer needed are grounded in a fundamental misconception. When a subsequent Transmission Plan identifies a solution to thermal overloads that seem to be related to the justifications for the Collinsville Project, that does not mean, as CAF presumes, that the Collinsville Project is no longer needed or no longer provides mitigation for the identified problem.

CAF's arguments are based on a misunderstanding of the CAISO's Transmission Planning Process. As the CAISO witness explained:

[T]he CAISO's comprehensive transmission process is an interactive assessment that relies on and builds upon previously identified needs and solutions and adjusts them as inputs change. In other words, due to the CAISO's prior approval of the Collinsville 500/230 kV Substation Project in the 2021-2022 comprehensive transmission plan, **its continued existence was assumed in subsequent CAISO reliability assessments.**⁸

The CAISO performs the comprehensive transmission planning studies needed for each year's Transmission Planning Process. If the studies show that the project is no longer needed, then the CAISO will modify, suspend, or cancel the project.⁹ The Collinsville Project has now been reviewed as part of the transmission planning studies in four successive planning cycles without being cancelled, modified, or placed on hold, demonstrating that the CAISO's transmission planning studies have shown that the Collinsville Project is still needed.

B. The Collinsville Project Will Create a New Path for 500 kV Power to Flow to the Greater Bay Area

⁸ Exh. CSO-02, p. 3 (emphasis added); see Exh. CSO-02, p. 7 (“[In] each planning cycle the CAISO's comprehensive transmission planning process examines needs on a holistic basis and assesses the best and cost-effective solutions for those needs. In that process, the CAISO considers projects identified in previous transmission plans against overall needs of the system.”).

⁹ See Exh. CAF-2, pp. 18-20.

CAF did not attempt to directly refute the primary basis for the selection of the Collinsville Project as a policy-driven project, but even its attempts to undermine that justification are based on erroneous assumptions. CAF points to the CAISO's summary of the Key Study Findings for the 2021-2022 Transmission Plan, which state:

[CAISO] found the need for 6 policy-driven transmission projects totaling \$1,512 million to meet the renewable generation requirements established in the CPUC developed renewable generation portfolios. [including] *a new 500/230 kV substation (Collinsville) in the East Bay area creating access for wind resources.*¹⁰

CAF emphasizes the focus on access to wind resources, in an apparent effort to tie the Collinsville Project to the Humboldt transmission line and Humboldt offshore wind. However, the CAISO was also anticipating the delivery of wind energy from regions other than Humboldt. The 2022 Transmission Outlook, for example, showed long-term prospects for 1 gigawatt (GW) of wind resources in the Solano-Sacramento River Valley area and up to 5 GW of out-of-state wind resources whose energy would flow to load in the Bay Area, in addition to potentially 4 to 7 GW of North Coast wind.¹¹ The proposed site for the Collinsville Substation is located in the Solano Wind Resource Area, near large wind farms.¹² The reference in the Key Study Findings to “creating access to wind resources” should not be read to refer solely to Humboldt offshore wind, as CAF implies.

C. The Collinsville Project Is Needed to Address Thermal Overheating Problems on the Contra Costa-Newark Corridor

CAF alleges that the Collinsville Project is no longer needed to mitigate thermal overloads in the Contra Costa-Newark corridor because completed projects allowed the CAISO

¹⁰ CAF Brief, p. 14, quoting 2021-2022 Transmission Plan, p. 6 (emphasis added by CAF).

¹¹ Exh. CAF-1, Appendix C, 2022 Transmission Outlook, p. 2.

¹² Exh. FEIR-01, Vol. 2, p. 4.11-7.

to conclude in its 2025-2026 Transmission Plan that the thermal overloads are no longer an issue.¹³ CAF is mistaken, as the following discussion demonstrates.

First, CAF notes that the North Dublin-Cayetano 230 kV Line Reconductoring Project, a network upgrade needed to provide deliverability to generating units, is nearly completed.¹⁴ While the reconductoring might offer some relief for overloading, the CAISO's analysis shows that overloading will again occur within the 15-year planning horizon, and much earlier without the addition of the Collinsville Project.¹⁵

Second, CAF argues that the fact that the CAISO placed the Lone Tree-Cayetano-Newark Corridor Series Compensation Project on hold in the 2025-2026-Transmission Plan demonstrates that thermal overloading is no longer an issue, and the Collinsville Project is no longer needed as mitigation.¹⁶

CAF is mistaken. As the CAISO pointed out, the CAISO put the Lone Tree-Cayetano-Newark Corridor Series Compensation Project on hold due to unresolved concerns about the operation of the devices and cost.¹⁷ Even if the project is reinstated, "power flow devices are not a long-term solution given expected load growth and the need for sufficient capacity on parallel paths that power flow devices would shift the power flow onto," and these devices will not be sufficient to address overloading in the mid- and long term.¹⁸

¹³ CAF Brief, pp. 20-22.

¹⁴ CAF Brief, p. 21.

¹⁵ Exh. CSO-02, p. 3.

¹⁶ CAF Brief, pp. 21-22.

¹⁷ Exh. CSO-02, p. 4.

¹⁸ Exh. CSO-04, p. 4.

Third, CAF's reliance on statewide growth in battery energy storage systems (BESS) does not establish that BESS can replace the Collinsville Project. CAISO's planning portfolios already include substantial battery-storage resources, including the specific projects CAF cites. A battery can relieve a particular constraint only if it is appropriately located, interconnected, deliverable, sufficiently charged, dispatchable, and available during the relevant system condition and contingency. CAF's statewide capacity statistics and general discussion of storage capabilities do not establish that any identified BESS portfolio performs Collinsville's combined functions of providing a new northern 500 kV source, supporting Greater Bay Area load, and relieving the identified 230 kV constraints.¹⁹

D. Approval of the Collinsville Project Was Not Tied to Humboldt Offshore Wind

The last of CAF's "Three Original Justifications" for the CAISO's approval of the Collinsville Project is to "support future offshore wind developments in Humboldt County."²⁰ CAF's allegation here runs up against the same facts that deflated its previous attempts to assert that the Collinsville Project was somehow dependent on the development of Humboldt offshore wind.

1. The Justifications Stated in the 2021-2022 Transmission Plan Did Not Include Support of Humboldt Offshore Wind

First, the justifications for the Collinsville Project expressed in the 2021-2022 Transmission Plan did not include "support future offshore wind developments in Humboldt County." The justifications given for the CAISO's approval of the Collinsville Project in the 2021-2022 Transmission Plan were stated and repeated in several passages:

¹⁹ See Exh CSO-02, p.4.

²⁰ CAF Brief, p. 7.

The Collinsville 500/230 kV substation project will address a number of identified transmission constraints within the base portfolio (Cayetano-North Dublin 230 kV line, Lone Tree-USWP-JRW-Cayetano 230 kV line, and Las Positas-Newark 230 kV line) and provide an additional supply from the 500 kV system into the northern Greater Bay Area to increase reliability to the area and advance additional renewable generation in the northern area.²¹

* * *

The project provides an additional supply from the 500 kV system into the northern Greater Bay Area to increase reliability of the area and advance additional renewable generation in the northern area.²²

* * *

In the 2021-2022 Transmission Plan, the ISO has identified a policy-driven need for the Collinsville 500/230 kV substation project to address multiple overloads on the 230 kV corridor between Contra Costa and Newark under normal, N-1, and N-2 contingency conditions. This project provides an additional supply from the 500 kV system into the northern Greater Bay Area to increase reliability to the area and advance additional renewable generation in the northern area.²³

There is no mention of Humboldt offshore wind in these statements. CAF has attempted to persuade the Commission that references to “renewable generation in the northern area” are coded references to Humboldt offshore wind, but, as discussed above, many existing and planned renewable energy projects north of the Sacramento-San Joaquin River Delta were unable to obtain deliverability due to transmission constraints, and there is no need to engage in a strained reading of the Transmission Plan.

It is true that the 2021-2022 Transmission Plan included a sensitivity case that studied transmission upgrades that would be needed to accommodate offshore wind resources, including 1,607 MW at Humboldt Bay. However, when the Commission conveyed the resource portfolio

²¹ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, p. 193.

²² Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, Appendix E: Project Need and Description, p. E-18.

²³ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, Appendix G: Description and Functional Specifications for Transmission Facilities Eligible for Competitive Solicitation, p. G-11.

to be used for this sensitivity study to the CAISO, it explained that sensitivity cases “are used primarily for informational purposes, to help inform future planning efforts.”²⁴ The Commission also stated:

We emphasize that the purpose of this study is to obtain key inputs for capacity expansion modeling to inform future portfolio development. **We do not necessarily see the OSW portfolio used for this study as part of an optimal portfolio overall.** Rather, this study is designed to test the transmission implications if barriers were to be removed to large-scale development of OSW.²⁵

The Commission later repeated and emphasized this point: “The outputs of the study in this regard may be useful for future planning; we emphasize our earlier point that this portfolio is not expected to be part of the resource planning requirements at this time.”²⁶

Consistent with that view, the base resources that the Commission conveyed to the CAISO for use in the 2021-2022 Transmission Plan did not include any Humboldt or other offshore wind capacity.²⁷

The sensitivity study ultimately found that a Humboldt-to-Collinsville interconnection would provide greater deliverability than one other option and at a lower cost than another option,²⁸ but that finding was not mentioned as a justification for the Collinsville Project.

2. The Chronology Does Not Support a Link Between the Collinsville Project and Humboldt Offshore Wind

²⁴ Decision (D.) 21-02-008, p. 24; Exh. LS-01, p. 8.

²⁵ D. 21-02-008, p. 26 (emphasis added).

²⁶ D. 21-02-008, p. 28; see also D. 21-02-008, p. 42, Conclusion of Law No. 11: “It is likely that transmission upgrades to support [out of state] renewables will be needed earlier than transmission upgrades to support OSW.”

²⁷ D. 21-02-008, p. 20.

²⁸ Exh. CSO-01, p. 6. See also 2021-2022 Transmission Plan, p. 250 (inadvertently omitted from Exh. LS-04, Attachment A; available at <https://www.caiso.com/documents/isoboardapproved-2021-2022transmissionplan.pdf>).

CAF's contention that the Collinsville Project is linked to Humboldt offshore wind is undermined by the chronology of relevant events. The Collinsville Project was approved in the 2021-2022 Transmission Plan, two years and two planning cycles before the CAISO approved the Humboldt transmission line. Moreover, the in-service date for the Collinsville Project was targeted for June 2028, but the in-service date for the Humboldt transmission line is not until 2034.²⁹ CAF offers no explanation for this gap. If the Collinsville Project is dependent on Humboldt offshore wind and the Humboldt transmission line, as CAF claims, why would the CAISO approve the Collinsville Project so far in advance of the project on which it depended?

3. The Collinsville Substation, as Approved, Cannot Accommodate the Humboldt Transmission Line

Another flaw in CAF's core premise of a linkage between the Collinsville Project and the Humboldt transmission line is the fact that the Collinsville Substation lacks the equipment that would be needed to interconnect the Humboldt line. The current Collinsville Substation does not include the additional 500 kV gas-insulated switchgear (GIS) breakers, buswork, protection and control, metering, communications, grounding, civil, and structural facilities that would be required to interconnect a Humboldt line.³⁰ The Commission's grant of the requested CPCN would not result in a facility that could serve as the terminus for a Humboldt line. The fact that the parcel may allow for prudent future expansion does not change that conclusion. Potential for future expandability is not the same as present design, present construction, or present authorization. Considerable modification of the Proposed Project, and additional Commission approval, would be required before the Collinsville Substation, as proposed, could interconnect a future transmission line from Humboldt.

²⁹ Exh. LS-01, Attachment B, 2023-2024 Transmission Plan, p. 73.

³⁰ Exh. LS-06, pp. 2-4.

E. The Commission’s Finding of Public Convenience and Necessity Is Not Constrained by a Project’s Stated Justifications

CAF makes the assertion that “there is no authority for the proposition that the Commission can grant a CPCN where ‘some, but not all’ of the original planning justifications remain,” leading to CAF’s conclusion the Commission should find that LSPGC has not met its burden “if the Commission finds any of the Three Original Justifications are unsupported based on subsequent developments or updated data.”³¹ The only citation for this extreme conclusion is Public Utilities Code section 1001(a), which in relevant part states: “A[n] . . . electrical corporation . . . shall not begin the construction . . . of a line, plant, or system, or of any extension thereof, without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require its construction.”

CAF’s proposed rule is devoid of any support beyond its reference to section 1001(a). CAF tries to suggest that there is authority for its position by putting quotation marks around “some but not all,” but CAF provides no citation to the source of this quote. The sole authority that CAF cites—section 1001—contains nothing that could support CAF’s suggestion that all of the planning justifications for a project must remain in effect for the Commission to approve a proposed project.

CAF’s all-or-nothing proposal would also put the Commission at the mercy of how the justification for a project is articulated in the CAISO’s transmission plan. The Commission’s assessment of the public convenience and necessity might not always correspond to the technical considerations of the transmission plan, but that difference in perspectives should not limit the

³¹ CAF Brief, p. 25 (emphasis omitted).

Commission's ability to exercise its judgment and regulatory authority when it evaluates a CPCN application.

CAF's contention is also illogical on its face: the Commission would be in violation of its responsibility under the statute if it were to reject a proposed project because one justification failed but other justifications compelled a conclusion that the present or future public convenience and necessity required its construction.

CAF also misunderstands the CAISO transmission planning process. The CAISO does not evaluate transmission solutions based on isolated factors. The CAISO conducts a series of coordinated technical studies that consider reliability, policy and economic needs, and the CAISO systematically develops and evaluates potential solutions in a coordinated and comprehensive manner.³²

The Commission should reject CAF's attempt to constrain its ability to assess whether the public convenience and necessity require the construction of a project. In any event, the original justifications for the Collinsville Project remain in effect, and CAF's proposed rule has no application to the facts of this proceeding.

F. CAF's Analogy to the Coolwater-Lugo Case Is Flawed

In an effort to support its argument that a "material change in grid conditions" requires the Commission to reject the requested CPCN for the Proposed Project, CAF cites D. 15-05-040, the Commission's decision dismissing the CPCN application of Southern California Edison Company (SCE) for the Coolwater-Lugo transmission project.³³ In the Coolwater-Lugo case,

³² Exh. CSO-01, pp. 1-4.

³³ CAF mischaracterizes the Commission's action in D. 15-05-040 as a "**denial**" of SCE's CPCN request. (CAF Brief, p. 26 (emphasis in original).) In fact, the Commission dismissed SCE's application without prejudice and preserved the CEQA analysis for possible use in a future, related application. (D. 15-05-040, p. 27.)

SCE sought a CPCN for a transmission line that was needed to interconnect a solar project with full deliverability status, to alleviate bottlenecks in the 220 kV transmission system, and to serve forecasted load growth in the area.³⁴ While the CPCN proceeding was pending, a nearby 636 MW generation plant announced its retirement. The Commission dismissed the application because of “significant material changes to the grid conditions” that gave rise to the need for the transmission line. Specifically, the permanent retirement of the 636 MW generator and other generation in the area freed up sufficient transmission capacity to accommodate the needs that served as the justifications for the transmission line.³⁵ CAF cites this case to support its argument that the Project must be denied or restudied.³⁶

However, the Collinsville Project presents fundamentally different facts. Although CAF does not identify what “significantly material changes” it is referring to, presumably the reference is to its “Three Original Justifications.” As discussed above, the two actual justifications have not changed.

CAF may be referring to its third presumed justification, uncertainty regarding Humboldt offshore wind, as creating a significant material change to grid conditions. But Humboldt offshore wind was not included in the base-case resource portfolio that supported the CAISO’s approval of the Collinsville Project. Unlike the situation in Coolwater-Lugo, no significant material change to grid conditions results if a resource, *i.e.*, Humboldt offshore wind, that was **not** assumed to be in existence when the CAISO approved the Collinsville Project runs into headwinds that create uncertainty about its future development. In other words, the significant

³⁴ D. 15-05-040, p. 3.

³⁵ D. 15-05-040, p. 18.

³⁶ CAF Brief, pp. 26-27.

material change that CAF relies on, the delayed or failed development of Humboldt offshore wind, results in the same grid condition that was assumed when the CAISO approved the Collinsville Project in the 2021-2022 Transmission Plan. The hypothetical act of removing a resource that was not in the base case is not comparable or analogous to the retirement of an existing 636 MW generator.

D. 15-05-040 does not stand for the proposition that any changed circumstance asserted by an intervenor requires denial of a CPCN. It stands for the narrower proposition that a project may require reevaluation when the grid conditions giving rise to the need have materially changed. CAF has not shown such a material change here. The relevant base-case need for the Collinsville Project continues, the Project remains in the CAISO's transmission plans, and the CAISO continues to support issuance of the CPCN.³⁷

CAF concludes its attempted comparison to D. 15-05-040 with a quotation from that decision that includes this sentence: "Clearly, we cannot evaluate the need for a project based on studies that already assume its existence."³⁸ But the base-case studies performed as part of the 2021-2022 Transmission Planning Process that identified the need for the Collinsville Project did not include Humboldt offshore wind, suggesting a corollary of the quoted statement: "Clearly, we cannot deny the continuing need for a project based on arguments that remove a resource that was never included in the resource base used to make the initial finding of the need for the project."

G. Other Contentions

³⁷ CAISO Brief, pp. 1, 2.

³⁸ CAF Brief, p. 26, quoting D. 15-05-040, p. 20.

As part of its discussion of Issue 1 of the Scoping Memo, CAF includes a discussion of environmental impacts, community values, and historical resources.³⁹ Those topics fall more appropriately under other issues identified in the Scoping Memo, and LSPGC will address those issues elsewhere in this brief.

II. THE REBUTTABLE PRESUMPTION APPLIES (ISSUE 2)

The preceding discussion demonstrates that the public convenience and necessity require the construction of the Collinsville Project. Public Utilities Code section 1001.1 creates a rebuttable presumption that provides another basis for the Commission to grant the requested CPCN.

Section 1001.1 requires the Commission to find in favor of an Independent System Operator governing board-approved need evaluation if four conditions are satisfied:

- (a) The Independent System Operator 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 Independent System Operator is a party to the proceeding.
- (c) The Independent System Operator 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 Independent System Operator governing board.

In its Opening Brief, LSPGC demonstrated that each of the four statutory conditions has been satisfied, and the CAISO confirms that the statutory presumption applies. CAF, however, disputes some of the conditions.

³⁹ CAF Brief, pp. 27-30.

A. The CAISO Board Made the Required Finding

CAF’s discussion of the rebuttable presumption established in Public Utilities Code section 1001.1 begins by conflating two distinct statutory requirements. CAF contends that the CAISO Board never made an “explicit finding” that the Project is “the most cost-effective transmission solution.”⁴⁰ Section 1001.1(a) actually requires two things: that 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,” *i.e.*, an “explicit finding” as to need, and a determination as to cost-effectiveness.

Both requirements have been met.⁴¹ The CAISO’s analysis in the 2021-2022 Transmission Planning Process determined that the Collinsville Project was the best transmission solution for identified issues, and the CAISO Board approved that determination. The CAISO Board-approved 2021–2022 Transmission Plan expressly identifies the need for the Collinsville Project, describes the transmission constraints and system functions supporting that need, evaluates the available transmission solutions, and selects the Collinsville Project as the approved transmission solution. The CAISO then conducted a competitive solicitation in Phase 3 of the 2021-2022 Transmission Planning Process to select the project sponsor that could deliver the approved solution most cost-effectively and with appropriate cost-containment protections.⁴² Through that process, LSPGC was selected as the approved project sponsor for the Collinsville Project. The CAISO confirms in its Opening Brief that its governing board made

⁴⁰ CAF Brief, p. 31.

⁴¹ *See* CAISO Brief, p. 2.

⁴² Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, p. 378; Project Sponsor Selection Report (Selection Report), pp. 130-131, available at <https://stakeholdercenter.caiso.com/InitiativeDocuments/Collinsville-500-kV-Substation-Project-Project-Sponsor-Selection-Report.pdf>.

explicit findings regarding the need for the Collinsville Project and determined that the Project was the most cost-effective transmission solution.

CAF cannot overcome the statutory presumption by reframing the statutory standard. The CAISO Board-approved 2021-2022 Transmission Plan includes an express statement that the Collinsville Project is needed. The Board-approved Transmission Plan also launched a competitive solicitation that selected LSPGC as the project sponsor for the most cost-effective solution, the Collinsville Project. CAF's disagreement with the form of the Board's findings does not rebut the substance of CAISO's need determination.

B. There Has Been No Substantial Change to the In-service Date

CAF next argues that there has been a substantial change to the in-service date for the Collinsville Project since it was approved by the CAISO Board because the CPCN proceeding and subsequent construction activities will extend beyond the schedule anticipated when CAISO approved the Project. However, the in-service date specified in LSPGC's Approved Project Sponsor Agreement is still June 1, 2028. While LSPGC had hoped to receive a CPCN for the Proposed Project by this time, it will manage construction to minimize any delays within the constraints established in the Final EIR. Many circumstances can result in construction delays, and the CAISO recognizes that fact. But the CAISO has nevertheless not yet deemed it necessary to revise the in-service date.

The statute also provides flexibility by requiring only that there has been no "substantial" change in the timeline for the project. For a construction project of this magnitude, a delay of the in-service date of several months should not be viewed as a substantial change.

In addition, the potential for delay does not by itself establish a substantial change to the CAISO Board-approved need evaluation. The physical scope and system functions of the Project remain unchanged, the transmission needs identified by CAISO remain, and CAISO

continues to support issuance of the CPCN. The Project is needed to address system conditions that persist and worsen over the planning horizon; its need is not limited to a single calendar date.

Accordingly, the record supports a finding that there has been no substantial change to the Board-approved Project timeline for purposes of section 1001.1(d). CAF's speculation about the challenges LSPGC faces does not prevent the Commission from concluding that there has been no substantial change in the in-service date since the CAISO Board approved the project in 2022.

If the Commission nevertheless concludes that updated execution forecasts constitute a substantial timeline change, that conclusion would affect only the statutory presumption. It would not alter the independent evidentiary showing under Issue 1 that present and future public convenience and necessity require construction of the Proposed Project.

C. Other Conditions Have Been Satisfied

In its brief, CAF does not dispute that the CAISO Board's need evaluation was submitted to the Commission in time to be included in the scope of this proceeding or that the CAISO is a party to this proceeding. CAF also does not expressly dispute that there has been no substantial change in the scope or cost of the Collinsville Project since it was approved by the CAISO Board.

III. THE FINAL EIR IDENTIFIES THE SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE COLLINSVILLE PROJECT AND THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 3)

CAF argues that the Final EIR's identification of the environmental impacts of the Collinsville Project is deficient in two ways. First, CAF alleges that the Final EIR's impact analyses are deficient because the analyses incorporate LSPGC's Applicant-Proposed Measures (APMs) and PG&E's Construction Measures (CMs) before performing the environmental

evaluation, thus obscuring the true environmental impacts.⁴³ Second, CAF asserts that the Final EIR's treatment of greenhouse gas (GHG) impacts is improper because it examines the emissions in each relevant air quality district rather than the overall impact of the Collinsville Project.⁴⁴

Both arguments fail. The California Environmental Quality Act (CEQA)⁴⁵ requires that an EIR's analysis and conclusions be supported by substantial evidence in the administrative record.⁴⁶ Substantial evidence "means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."⁴⁷ The substantial evidence standard does not mean the majority of the evidence, the most persuasive evidence, or the only reasonable interpretation of the record. Accordingly, the existence of conflicting evidence, competing expert opinions, or disagreement among commenters does not preclude certification of an EIR. Where the record contains substantial evidence supporting the EIR's analysis, the Commission may reasonably rely on that evidence and adopt the EIR's conclusions notwithstanding contrary evidence in the record. That standard has been met here.

A. The Final EIR Properly Distinguishes Project Features from Mitigation Measures

⁴³ CAF Brief, pp. 34-37, citing *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 and *People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222.

⁴⁴ CAF Brief, pp. 34-39.

⁴⁵ Pub. Resources Code, §§ 21000-21189.91. The details of CEQA's statutory requirements have been set forth in the CEQA Guidelines, 14 Cal Code Regs., §§ 15000-15387.

⁴⁶ See Pub. Resources Code, §§ 21080(e), 21168.5; CEQA Guidelines, § 15384.

⁴⁷ CEQA Guidelines § 15384(a); see also, e.g., *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392-93.

CAF's argument that the Final EIR improperly disguises mitigation measures as APMs or CMs overstates CEQA's requirements and mischaracterizes the Final EIR's structure.

CEQA requires an EIR to disclose a project's environmental effects, evaluate those effects against identified significance criteria, and identify and apply feasible mitigation measures to avoid or reduce significant environmental effects identified in the CEQA review.⁴⁸ CEQA does not require every environmentally protective design commitment to be labeled as mitigation simply because it reduces impacts.

California courts recognize a distinction between impact-reducing project characteristics that are part of the project design from the beginning and mitigation measures imposed by the lead agency to avoid or reduce significant environmental impacts.⁴⁹ CEQA Guidelines section 15126.4(a)(1)(A) reflects the same distinction by requiring an EIR's mitigation discussion to distinguish between measures that project proponents propose to be included in the project and other measures proposed by the lead agency. The fact that a project feature reduces environmental impacts does not, by itself, require that feature to be treated as a mitigation measure.

The Final EIR follows this approach. It expressly distinguishes APMs and CMs from mitigation measures, explains that APMs and CMs are incorporated into the Collinsville Project as proposed and evaluated as part of the baseline environmental analysis, and separately imposes mitigation measures to address potentially significant impacts. The Final EIR evaluates the Project's impact on 20 environmental resources, and for every resource category, the Final EIR includes a summary chart identifying the relevant APMs and CMs, the significance conclusion

⁴⁸ See CEQA Guidelines, §§ 15126(a), 15126.2(a), 15126.4(a).

⁴⁹ *Save the Plastic Bag Coalition v. City of and County of San Francisco* (2013) 222 Cal.App.4th 863, 882-83.

before mitigation, the mitigation measures applied, and the significance conclusion after mitigation.⁵⁰

CAF's reliance on *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645 and *People ex rel. Bonta v. County of Lake* (2024) 105 Cal.App.5th 1222 is misplaced. In *Lotus*, the EIR failed to identify any significance standard for impacts to old-growth redwood root zones and then concluded those impacts would be less than significant by relying on avoidance, minimization, and mitigation measures folded into the project description.⁵¹ The characterization of a measure as a project design feature instead of as a mitigation measure is dispositive "only if it precludes or obfuscates required disclosure of the project's environmental impacts and analysis of potential mitigation measures."⁵²

The Collinsville Final EIR does not suffer from these defects. Unlike *Lotus*, it does not leave the reader to infer the applicable significance standard. Each resource section identifies the governing threshold or significance criterion, identifies the APMs and CMs considered in the analysis, states whether or not impacts are significant before mitigation, identifies any mitigation measures required by the lead agency, and then states whether or not impacts are significant after mitigation. The Final EIR also does not simply announce that impacts are less than significant because APMs and CMs will be implemented. Where impacts remain potentially significant or significant after accounting for APMs and CMs, the Final EIR imposes additional mitigation measures and discloses residual impacts. In other words, the Final EIR supplies the analytical steps missing in *Lotus*: disclosed thresholds, a significance determination, separate consideration

⁵⁰ See, e.g., Exh. FEIR-01, Vol. 2, p. 4.3-33.

⁵¹ *Lotus*, 223 Cal.App.4th at 654-58.

⁵² *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 185; 105 Cal.App.5th at 1234-35.

of mitigation, and a residual-impact conclusion. This sequence, the opposite of the compressed inquiry *Lotus* rejects, is exactly what the CEQA Guidelines require: an EIR’s “discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead . . . agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. . . .”⁵³

Similarly, in *County of Lake*, the EIR acknowledged that the project would increase wildfire risk factors but did not meaningfully analyze the project’s incremental wildfire ignition risk or explain how the Wildfire Plan addressed that risk. CAF identifies no comparable analytical gap in the Final EIR. CAF does not identify any impact category in which the Final EIR acknowledges a potentially significant project impact but fails to analyze its baseline, magnitude, applicable threshold, or the way mitigation addresses it. Instead, CAF’s challenge is principally semantic: it objects that some APMs and CMs look like mitigation. However, *Save the Plastic Bag Coalition*, *Mission Bay Alliance*, and *County of Lake* confirm that labels are not dispositive; the real question is whether the EIR obfuscates disclosure of the project’s impacts. Here, the Final EIR’s tables and impact discussions disclose the analytic route and the environmental impacts.

CAF therefore has not shown that the Final EIR deprived the public or Commission of material information necessary for informed decision-making, nor has it identified any impact concealed from public review, any significance determination that would change absent the challenged categorization, or any mitigation measure the Commission was unable to consider because APMs and CMs were incorporated into the Collinsville Project as proposed.

⁵³ CEQA Guidelines, § 15126.4(a)(1)(A).

The enforceability of the APMs reinforces this point. The Final EIR explains that APMs not superseded by mitigation measures will be incorporated into the Mitigation Monitoring and Reporting Plan and become conditions of Proposed Project approval.⁵⁴ Thus, the APMs are enforceable and binding on the applicant, not merely aspirations.

Because the Final EIR identifies the Project's impacts on the physical environment, evaluates significance against disclosed criteria, determines whether mitigation is required, applies mitigation where appropriate, and identifies residual impacts after mitigation, it provides the analysis that was missing in *Lotus* and *County of Lake*. CAF has not demonstrated any prejudicial CEQA error.

Taken to its logical conclusion, the approach advocated by CAF would require an analysis of a proposed project that begins with a hypothetical project devoid of **any** consideration of environmental impacts. In reality, project sponsors and developers will rationally take potential environmental impacts into consideration early in the process and make appropriate adjustments before arriving at the point of seeking a permit or approval that triggers CEQA review. Early consideration of potential environmental impacts and ways to avoid those impacts is consistent with the Legislature's finding in CEQA that "[e]very citizen has a responsibility to contribute to the preservation and enhancement of the environment."⁵⁵ The Commission should not endorse a proposed rule that would encourage project sponsors and developers to ignore environmental impacts in the early stages of project development. Early consideration and voluntary avoidance and minimization of environmental impacts should be encouraged, consistent with CEQA's goals.

⁵⁴ Exh. FEIR-01, Vol. 1, pp. 3-271 to 3-272; Vol. 2, p. 2-86.

⁵⁵ Pub. Resources Code, § 21000(e).

B. The Final EIR Properly Analyzed GHG Emissions

CAF also argues that the Final EIR improperly “compartmentalizes” the Project’s construction-related GHG emissions by evaluating emissions under the locally adopted significance threshold applicable in each air quality district where those emissions will occur rather than applying the 1,100 Metric Tons of Carbon Dioxide Equivalent (MTCO₂e) annual construction threshold adopted by the Sacramento Metropolitan Air Quality Management District (SMAQMD) to all Project emissions. CAF’s argument conflates two separate CEQA requirements: disclosure of the Project’s total GHG emissions and the lead agency’s reasoned selection of significance criteria. The Final EIR satisfies both.

As an initial matter, there was no concealment or segmentation of emissions. The Final EIR expressly quantified and disclosed construction-related GHG emissions for the entire Project. Table 4.8-5 discloses total combined construction emissions of 11,280.61 MTCO₂e, while also identifying the portion of those emissions expected to occur within the Bay Area Air Quality Management District (BAAQMD), SMAQMD, and Yolo-Solano Air Quality Management District (YSAQMD).⁵⁶ Even CAF’s Brief relies on the total combined emissions figure disclosed in the Final EIR.⁵⁷ Thus, CAF’s challenge is not really about disclosure of the impacts of the Project’s GHG emissions; it is about the choice of significance methodology.

CAF’s argument fails because CEQA does not require the Commission, as the lead agency, to apply a single local air district’s threshold to all Project emissions regardless of where those emissions occur. CEQA Guidelines section 15064.4 requires a lead agency to consider, among other things, the extent to which a project may increase or reduce GHG emissions,

⁵⁶ See Exh. FEIR-01, Vol. 2, p. 4.8-19.

⁵⁷ CAF Brief, pp. 38-39.

whether project emissions exceed an applicable threshold selected by the lead agency, and the extent to which the project complies with adopted GHG-reduction plans or regulations. Nothing in section 15064.4 requires a lead agency to disregard the regulatory context in which emissions occur or to export one local district's threshold beyond that district's jurisdictional boundaries.

California courts have recognized that lead agencies possess substantial discretion in selecting significance thresholds. In *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, opponents argued that Santa Barbara County improperly used a project-specific significance threshold rather than the criteria identified in Appendix G of the CEQA Guidelines. The court rejected that challenge, holding that CEQA permits agencies to employ project-specific significance thresholds and confirming that Appendix G does not establish mandatory significance criteria.⁵⁸ Likewise, in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court explained that “[a] lead agency enjoys substantial discretion in its choice of methodology” when evaluating GHG impacts.⁵⁹

Substantial evidence supports the Final EIR's methodology. The Final EIR identifies CEQA Guidelines section 15064.4 as the governing framework, explains that CEQA does not establish a numerical GHG threshold, and describes the factors relevant to the EIR's GHG significance determinations.⁶⁰ It then identifies the GHG significance guidance applicable within

⁵⁸ 213 Cal.App.4th at 1068.

⁵⁹ 62 Cal.4th at 228. *See also IBC Business Owners for Sensible Development v. City of Irvine* (2023) 88 Cal.App.5th 100, 127 (“Each lead agency has broad discretion to determine significance thresholds, and the Guidelines do not mandate any one particular method to address greenhouse gas emissions.”) (internal quotation marks and citations omitted).

⁶⁰ See Exh. FEIR-01, Vol. 2, pp. 4.8-10 to 4.8-11.

each affected air district.⁶¹ Consistent with that regulatory framework, the EIR applied SMAQMD's numerical threshold to construction emissions occurring within SMAQMD and evaluated emissions within BAAQMD and YSAQMD using the qualitative consistency approach applicable in those jurisdictions, including consistency with statewide GHG reduction planning and policies.⁶²

CAF correctly observes that GHG impacts are cumulative and not confined to the location where emissions occur. However, that point does not establish that SMAQMD's local construction threshold must be applied to emissions occurring almost entirely outside SMAQMD. The Final EIR explains that applying SMAQMD's threshold to all Project emissions "would disregard the discretion afforded to lead agencies and the expertise of the air districts themselves," particularly because "the majority of the emissions would occur within BAAQMD jurisdiction."⁶³ CAF identifies no statute, regulation, guideline, or court decision requiring the Commission to apply SMAQMD's recommended local threshold to BAAQMD or YSAQMD emissions.

Moreover, CAF's preferred methodology does not change the result. As the Final EIR explains, construction GHG emissions are temporary and non-recurring, while statewide GHG reduction targets are framed in terms of annual emissions. Consistent with accepted CEQA practice, construction emissions may be amortized over the expected life of a project to provide an annualized comparison. When the Project's total construction emissions of 11,280.61 MTCO₂e are amortized over a (conservative) 30-year project life, the annualized contribution is

⁶¹ See Exh. FEIR-01, Vol. 2, pp. 4.8-16 to 4.8-19.

⁶² See Exh. FEIR-01, Vol. 2, pp. 4.8-16, 4.8-19 to 4.8-21; Vol. 1, p. 3-277.

⁶³ Exh. FEIR-01, Vol. 1, p. 3-277.

approximately 376 MTCO₂e—well below SMAQMD’s 1,100 MTCO₂e annual construction threshold even if that threshold were applied Project-wide.⁶⁴

CAF has not identified a disclosure defect, an omitted threshold, or any legal requirement that would compel the Commission to reclassify the Project’s GHG impact as significant based on a project-wide application of SMAQMD’s local construction threshold. The Final EIR disclosed total Project emissions, applied the applicable district-specific significance framework, evaluated consistency with statewide GHG reduction policies where quantitative construction thresholds were not adopted, and further demonstrated that the Project’s amortized construction emissions would remain below SMAQMD’s threshold even under CAF’s preferred comparison. CAF has failed to identify a CEQA violation.

C. The Final EIR Identified the Significant Environmental Impacts

Apart from its challenges to the treatment of APMs and CMs and the methodology used to evaluate GHG emissions, CAF does not challenge the Final EIR’s identification or classification of any particular significant environmental impact. Once the Commission determines that the Final EIR properly addressed those two issues, it should find that the Final EIR adequately identifies the significant environmental impacts of the Project and the environmentally superior alternative, including the impacts that remain significant and unavoidable after implementation of feasible mitigation measures.

LSPGC’s Opening Brief discussed the significant and unavoidable impacts listed in the Final EIR for the Project and the environmentally superior alternative.⁶⁵

⁶⁴ Exh. FEIR-01, Vol. 1, pp. 3-277 to 3-278.

⁶⁵ LSPGC Brief, pp. 32-34.

IV. FEASIBLE MITIGATION MEASURES WILL AVOID OR LESSEN THE SIGNIFICANT ENVIRONMENTAL IMPACTS OF THE COLLINSVILLE PROJECT (ISSUE 4)

CAF did not address this issue in its brief.

LSPGC's Opening Brief discussed the APMs and CMs that LSPGC and PG&E commit to implement for their respective parts of the Collinsville Project.⁶⁶ The Final EIR also identified Mitigation Measures that LSPGC also agrees to implement if the requested CPCN is granted.⁶⁷

Implementation of the APMs, CMs, and Mitigation Measures will ensure that the environmental impacts of construction and operation of the Collinsville Project will be minimized to the extent possible.

V. THE PROPOSED PROJECT AND THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 5)

CAF opts to address the two issues, Issues 5 and 6, that relate to the environmentally superior alternative by ignoring the actual environmentally superior alternative and instead claiming that the Final EIR was flawed because the project objectives were too "stale" or "artificially narrow" and viable alternatives were not considered.

A. The Project Objectives Are Not "Stale"

CAF first asserts that the project objectives used to frame the EIR's analysis were based on the "Three Original Justifications" for the Collinsville Project that CAF cited in connection with the 2021-2022 Transmission Plan's approval of the Project. CAF asserts that due to changed circumstances, the project objectives are no longer attainable or feasible.⁶⁸

⁶⁶ LSPGC's Brief, pp. 34-46.

⁶⁷ Exh. FEIR-01, Vol. 3, Attachment 1.

⁶⁸ CAF Brief, pp. 40-41.

CEQA requires an EIR to include a statement of objectives describing the underlying purpose of the project because those objectives guide the consideration of feasible alternatives and allow decisionmakers to evaluate whether alternatives would attain most of the project's basic objectives while avoiding or reducing significant environmental impacts.⁶⁹ Agencies have the discretion to formulate project objectives, provided they do not improperly constrain the range of feasible alternatives considered.⁷⁰ The nature and scope of the alternatives analysis is governed by CEQA's "rule of reason."⁷¹

CAF contends that the Project's objectives are "stale" because changed circumstances and subsequent transmission-planning efforts undermine the assumptions on which they were based.⁷² CAF's arguments are essentially a re-hash of the arguments it made around the "Three Original Justifications" that are rebutted in section I of this brief. Rather than repeating LSPGC's showing that these arguments had no validity, LSPGC will merely note the fact that the Collinsville Substation continues to be included on the list of projects in the 2025-2026 Transmission Plan that the CAISO determined "were needed to mitigate identified reliability concerns, interconnect new renewable generation via a location-constrained resource interconnection facility project or enhance economic efficiencies."⁷³

As demonstrated in section I.A of this brief, the project objectives are not "stale," and the CAISO has repeatedly confirmed that the Collinsville Project continues to be needed. CEQA

⁶⁹ See CEQA Guidelines, §§ 15124(b), § 15126.6(a).

⁷⁰ See *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 699-704.

⁷¹ CEQA Guidelines, § 15126.6(a).

⁷² CAF Brief, pp. 40-41.

⁷³ Exh. CAF-2, Appendix D, 2025-2026 Transmission Plan, pp. 169, 171.

does not require a lead agency to re-derive an EIR's project objectives with each successive planning cycle when, as here, the underlying transmission need persists and has been repeatedly reaffirmed. Contrary to CAF's claims, the original Project objectives—improving transmission reliability, increasing access to the 500 kV system, and facilitating the deliverability and development of renewable-energy⁷⁴—continue to justify approval of the Project.

B. The Project Objectives Are Appropriate

CAF argues that the project objectives of the Final EIR are “artificially narrow.”⁷⁵ According to CAF, project objectives that are too narrowly drawn foreclose consideration of a wider range of alternatives, some of which might be environmentally superior to the Project as proposed.⁷⁶

CAF's arguments are inapplicable to the Final EIR. The Final EIR lists 11 project objectives proposed by LSPGC, which were boiled down to four objectives for purposes of the CEQA analysis.⁷⁷ The project objectives are closely tied to the identified needs and the functional specifications of the 2021-2022 Transmission Plan. The objectives reflect the specific reliability and deliverability problems the CAISO identified: multiple thermal overloads on the Contra Costa-Newark 230 kV corridor under normal, N-1, and N-2 contingency conditions, and the lack of a northern 500 kV path into the Greater Bay Area, which constricted the deliverability of renewable energy and inhibited the growth of renewable energy resources in the northern area.⁷⁸ The 2021-2022 Transmission Plan requires certain basic features without excessively

⁷⁴ Exh. FEIR-01, Vol. 2, p. ES-4.

⁷⁵ CAF Brief, p. 39.

⁷⁶ CAF Brief, pp. 42-43.

⁷⁷ Exh. FEIR-01, Vol. 2, pp. ES-3 to ES-5.

⁷⁸ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, p. 193, Appendix G, p. G-11.

limiting project proposals' location or additional characteristics: a new 500/230 kV substation looping into the existing 500 kV Vaca Dixon-Tesla transmission line, two 500/230 kV transformers, two 230 kV cables connecting to PG&E's existing 230 kV Pittsburg Substation, and series capacitor on the Vaca Dixon-Tesla 500 kV line.⁷⁹ CEQA permits project objectives to reflect a project's underlying purpose so long as they are not drawn so narrowly as to foreclose a reasonable range of alternatives.⁸⁰ The Final EIR's alternatives analysis screened 17 alternatives, including different substation locations, route segments, structure configurations, and construction methods, and retained seven alternatives, including the No Project alternative, for detailed evaluation in the EIR. The identification of 17 possible alternatives, six of which were plausible enough to carry forward for detailed consideration, demonstrates that the Project objectives accommodated multiple potential means of achieving the Project's purposes and provided a meaningful framework for evaluating alternative transmission solutions. It was appropriate for the Final EIR's alternatives analysis to focus on alternatives capable of performing the basic transmission functions identified by the CAISO and to be limited to alternative routes, locations, and configurations for constructing the CAISO-approved Project, and not expanded to consider a broader universe of potential proposals that the CAISO never evaluated or approved as a solution to the identified need. CEQA does not require detailed analysis of concepts that have not been shown to provide the required functions or attain most of the Project's basic objectives. Performing an environmental impact analysis on proposals that could not perform the basic functions the CAISO required would serve no useful purpose and would not further CEQA's goals.

⁷⁹ Exh. LS-04, Attachment A, 2021-2022 Transmission Plan, pp. 193-194.

⁸⁰ *We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 699-704.

CAF's reliance on *We Advocate* is misplaced. In *We Advocate*, the court concluded that the challenged objectives "ensured that the results of [the] alternatives analysis would be a foregone conclusion" by prescribing a specific location and timeline, thereby "prejudicially prevent[ing] informed decision making and public participation."⁸¹ Here, by contrast, the Final EIR evaluated alternative substation sites, alternative transmission configurations, alternative routes, alternative structure designs, and alternative construction approaches. The Alternative Screening Report reflects meaningful consideration of alternative means of achieving the Project's objectives rather than a process designed to ratify a predetermined outcome.

CAF's focus on the in-service date is also misplaced. The Final EIR's approach to this objective had a reasonable flexibility: "Alternatives that would result in delays, but would otherwise meet project objectives, are determined to meet most project objectives."⁸² The Alternatives Screening Report acknowledges that every alternative carried forward for detailed environmental review other than Alternative 5 could require additional time and therefore might not be operational by the target in-service date.⁸³ Yet those alternatives were retained for further analysis. The fact that five of the six alternatives carried forward may not have been capable of meeting the targeted completion date shows that the Final EIR did not use schedule as a screening device to eliminate alternatives from consideration. No alternatives were screened from detailed analysis solely because they would not meet the in-service date.

The CAISO has also shown flexibility when needed projects encountered unexpected obstacles that resulted in a delay in the in-service date. CAF later acknowledges that flexibility

⁸¹ See 78 Cal.App.5th, pp. 692-93.

⁸² Exh. FEIR-01, Vol. 3, App. C, p. 7, n.2.

⁸³ See Exh. FEIR-01, Vol. 3, pp. 32-38.

when it states, “CAISO’s *2024-2025 Transmission Plan* contemplated that the Project had a ‘current expected in-service date’ of June 2028. That is precisely what that date represented – an *expected* in-service date.”⁸⁴

C. The Pittsburg Alternatives Were Properly Screened from Further Analysis

CAF next complains that the two Pittsburg alternatives it proposed were improperly screened from detailed consideration because installation of 12, rather than six, submarine cables would require two seasonal windows. CAF argues that these alternatives were rejected due to the Final EIR’s rigid application of the project objective calling for the Collinsville Project to go in-service in June 2028. CAF also contests the Final EIR’s conclusion that submerged 500 kV transmission cables are not commercially available, and CAF offers several examples of projects using submarine 500 kV cables.⁸⁵

The Final EIR’s screening of the Pittsburg alternatives from further analysis was correct. Under the screening criteria set forth in the Screening Analysis Report, each alternative was evaluated based on three independent but necessary considerations under CEQA: (1) whether the alternative could achieve all or most project objectives; (2) whether it was potentially feasible from economic, environmental, legal, social, and technological standpoints; and (3) whether it would avoid or substantially lessen any of the significant environmental impacts of the proposed project.⁸⁶

CAF contends that the Pittsburg alternatives were “potentially able to meet most basic project objectives.”⁸⁷ However, that claim addresses only one element of the screening analysis.

⁸⁴ CAF Brief, p. 44 (footnote omitted; emphasis in original).

⁸⁵ CAF Brief, pp. 43-47.

⁸⁶ See Exh. FEIR-01, Vol. 3, Appendix C, pp. 5-9.

⁸⁷ CAF Brief, p. 43.

The Final EIR separately concluded that both Pittsburg alternatives failed to meet the two remaining necessary conditions because they were not shown to be technologically feasible and would increase environmental impacts relative to the Proposed Project.⁸⁸ The Collinsville Substation will be connected to an alternating current (AC) transmission system. Locating the 500/230 kV substation north or south of the existing PG&E Pittsburg substation would require use of 500 kV AC submarine cables, which are not commercially available. Three of the four submarine cable installations CAF cited in its comments on the Draft EIR⁸⁹ and in its brief⁹⁰ as examples of 500 kV submarine cables—the Western HVDC Link, Skagerrak 4, and the Neptune project—are high-voltage direct current (HVDC) installations that are “fundamentally different” in design, operation, equipment, requirements, conversion terminals, and commercial availability from the 500 kV AC submarine cables the Pittsburg alternatives would require. The only true HVAC submarine cable, a single cable connecting Ningbo and Zhoushan in China, is a first-of-its-kind installation, not evidence of a mature or commercially available technology. In addition, neither LSPGC nor PG&E has “any experience with the technology and there are no domestic examples of a 500 kV AC submarine cable.”⁹¹ The Final EIR reasonably concluded that a single installation did not demonstrate sufficient commercial availability, domestic experience, or supplier depth for the feasible implementation of a 500 kV HVAC submarine transmission line for the Collinsville Project.⁹² The Final EIR also found that the Pittsburg alternatives would not

⁸⁸ See Exh. FEIR-01, Vol. 3, Appendix C, pp. 44-48.

⁸⁹ Exh. FEIR-01, Vol. 1, p. 3-254.

⁹⁰ CAF Brief, p. 46.

⁹¹ Exh. FEIR-01, Vol. 3, App. C, pp. 45, 47.

⁹² Additionally, CAF cites a 2024 paper from the IEEE Open Access Journal of Power and Energy analyzing switching transients in a submarine cable project in Indonesia that is

materially reduce environmental impacts relative to the Project and, in several respects, would increase them.⁹³

The Final EIR properly concluded that the Pittsburg alternatives were not feasible due to the timing of installation, technical and commercial constraints, and that they were environmentally inferior.

D. CAF's Post-EIR Proposed Alternatives Should Not Be Considered

CAF next contends that the Commission should revise the Final EIR to consider two alternatives that were presented in its witness's testimony. In her testimony, CAF's witness proposed two alternate connections between the 500 kV Vaca Dixon-Tesla transmission line and the 230 kV transmission system in the Greater Bay Area, at the Bethany Gas Compressor 230 kV substation and at the Kelso-Tesla 230 kV substation.⁹⁴

CAF acknowledges that "an agency is not always required to address alternatives proposed after the close of an EIR's public comment period,"⁹⁵ but it argues that an exception is warranted because (1) the Final EIR's consideration of alternatives was constrained by overly narrow project objectives (addressed above) and (2) a failure to consider feasible alternatives that would avoid the Collinsville Project's significant environmental impacts would undermine the

referenced in the Final EIR. (CAF Brief, p. 46.) It should be noted that this paper evaluated a hybrid overhead/submarine cable system that had not actually been constructed.

⁹³ See Exh. FEIR-01, Appendix C, pp. 45-48. CAF further critiques the Screening Analysis Report for discounting the Pittsburg Alternatives because they "would prevent any future lines from being able to access the Collinsville Substation, including any required upgrades, which would constrain operation and expansion of this substation." (CAF Brief, pp 46-47.) However, this sentence was struck through and deleted in Appendix C of the Final EIR in response to CAF's comments on the Draft EIR, and thus the Final EIR does not rely on this rationale. (See Exh. FEIR-01, Vol. 3, p. 3-267, Appendix C, pp. 45, 47.)

⁹⁴ Exh. CAF-1, pp. 28-29.

⁹⁵ CAF Brief, p. 48, citing *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 333.

Commission’s ability to adopt a statement of overriding considerations. Both arguments fail because the Final EIR properly considered a range of feasible alternatives.

Initially, the Commission should be aware that CAF proposed two alternatives as part of the CEQA process, the Pittsburg alternatives discussed above.⁹⁶ The two alternatives CAF now asks the Commission to consider—the Bethany Gas Compressor 230 kV substation and the Kelso-Tesla 230 kV substation—were **not** presented as part of the CEQA process,⁹⁷ and CAF has offered no explanation for its failure to present these alternatives when it presented its other alternatives, as part of the CEQA process.

An alternative newly proposed after an EIR’s public comment period but before the EIR is certified need only be analyzed if it is “feasible,” “considerably different from others previously analyzed,” and “would clearly lessen the environmental impacts of the project.”⁹⁸ CAF presented no evidence that these alternatives are feasible or effective and no analysis of what effects these “interconnections” would have on the transmission grid. CAF asserts, but makes absolutely no showing, that these two options are “substantially less costly and environmentally superior alternatives.”⁹⁹ Moreover, the testimony acknowledges that the Kelso-Tesla alternative “should be modeled as a standalone solution”¹⁰⁰ and the Bethany Gas Compressor alternative “would be subject to the same N-1 and N-1-1 contingency analysis and load flow modeling that CAISO applied in approving the Project”¹⁰¹—in other words, both the

⁹⁶ Exh. FEIR-01, Vol 3, App. C, pp. 16-17.

⁹⁷ Exh. LS-02, pp. 3-5.

⁹⁸ CEQA Guidelines, § 15088.5(a)(3); *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330-36.

⁹⁹ CAF Brief, p. 48.

¹⁰⁰ Exh. CAF-1, p. 32.

¹⁰¹ Exh. CAF-1, p. 31.

CEQA analysis and the Transmission Planning Process would have to be reopened and redone to consider these late alternatives.

Project opponents have wielded CEQA as ““a uniquely powerful legal tool to block, delay, or leverage economic and other agendas,”” but the courts have made clear that CEQA will not be allowed to serve as a mechanism for indefinite delay.¹⁰² CAF’s presentation of late-stage evidence attempts to do just that. CAF asks the Commission to withhold certification of a completed Final EIR and reopen its alternatives analysis based on transmission concepts first advanced after the Final EIR was completed, without demonstrating that those concepts are feasible or would clearly lessen the Project’s significant environmental impacts.

As CAF stated, “Unsupported factual assertions and expert argument untethered to competent evidence should be disregarded.”¹⁰³ The Commission should reject CAF’s invitation to reopen the CEQA review (and potentially the Transmission Planning Process) on such a flimsy rationale.

E. The Commission Should Not Revise or Recirculate the Final EIR

CAF combines some of the arguments that have already been refuted to assert that the Final EIR must be revised or recirculated. According to CAF, revision or recirculation is required for two reasons: “numerous project objectives are now effectively stale or incapable of being accomplished,” and CAF’s witness has identified “environmentally superior alternatives which the Commission has not meaningfully analyzed under CEQA.”¹⁰⁴

¹⁰² *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700, 749) (quoting J. Hernandez, California Environmental Quality Act Lawsuits and California’s Housing Crisis, 24 Hastings Env’t L.J. 21, 41 (2018)).

¹⁰³ CAF Brief, p. 23 (footnote omitted).

¹⁰⁴ CAF Brief, p. 50.

Both arguments fail. CEQA requires recirculation only when “significant new information” is added to an EIR after public review but before certification. “New information added to an EIR is not ‘significant’ unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”¹⁰⁵

In section V.A and V.B of this brief, LSPGC shows how CAF’s claims about “stale” or ineffective project objectives are wrong. The Collinsville Project is still capable of achieving the objectives that supported the CAISO’s approval of the Project in the 2021-2022 Transmission Plan.

CAF’s assertion that its witness has presented environmentally superior alternatives requires additional comment. CAF’s testimony includes repeated assertions that its proposals are environmentally superior to the Collinsville Project, but CAF provides no evidence to support these assertions. The testimony claims that the 500/230 kV interconnection can be made “on already-permitted and already-disturbed land, without new rights of way” or on “an existing footprint,”¹⁰⁶ but there is no explanation of how either of the existing sites could accommodate the two 500/230 kV transformers that would be required to complete the interconnection. No other potential environmental effects are even mentioned.

CAF has identified no new significant environmental impact, no substantial increase in the severity of an impact already disclosed, no feasible alternative considerably different from those analyzed that would clearly lessen significant effects, and no fundamental inadequacy that

¹⁰⁵ CEQA Guidelines, § 15088.5.

¹⁰⁶ Exh. CAF-1, pp. 31, 32.

deprived the public of meaningful review. Revision or recirculation is therefore not required. In short, CAF has provided the Commission with no reason to revise or recirculate the Final EIR.

VI. THE MITIGATION MEASURES AND ENVIRONMENTALLY SUPERIOR ALTERNATIVES ARE FEASIBLE (ISSUE 6)

CAF did not address the mitigation measures in its testimony or brief. It also did not address the environmentally superior option, except in its testimony, discussed above, about two new alternatives that it asserts, without offering any support, are environmentally superior.

As stated in LSPGC's opening brief, LSPGC has reviewed the proposed mitigation measures and has concluded that none of the mitigation measures are infeasible for economic, social, legal, technological, or other considerations. LSPGC has also determined that the environmentally superior alternative is feasible.¹⁰⁷ LSPGC commits to implement the applicable mitigation measures if the Commission grants a CPCN for either the Proposed Project or the environmentally superior alternative.

VII. OVERRIDING CONSIDERATIONS JUSTIFY APPROVAL OF THE PROPOSED PROJECT OR THE ENVIRONMENTALLY SUPERIOR ALTERNATIVE (ISSUE 7)

CAF asserts that the Commission cannot adopt a "compliant" Statement of Overriding Considerations because "the EIR fails to adequately set forth its alternatives and impact analyses, or its mitigation measures" and "the Commission cannot find that there are any overriding benefits that outweigh the Project's environmental harm when the original planning benefits of the Project are either no longer realistically achievable...or have been mitigated through other projects." CAF further asserts that the Commission cannot find that overriding considerations justify approval of the Collinsville Project because the Final EIR's failure to consider "feasible,

¹⁰⁷ LSPGC Brief, pp. 41-42.

less-damaging alternatives” prevents a determination of whether significant impacts are truly avoidable.¹⁰⁸

Under CEQA, when a project will result in significant environmental effects that cannot be avoided or substantially lessened through mitigation, the lead agency may nevertheless approve the project if it finds that specific economic, legal, social, technological, environmental, public-service, or other benefits outweigh those unavoidable adverse effects.¹⁰⁹ A Statement of Overriding Considerations reflects the agency’s ultimate policy judgment regarding whether the project’s benefits justify approval despite its remaining environmental consequences. The Final EIR identifies significant and unavoidable impacts and recognizes that a Statement of Overriding Considerations would be required if the Proposed Project is approved.

CAF’s arguments regarding a potential Statement of Overriding Considerations are derivative of its broader attacks on the Final EIR that have already been addressed. CAF argues that the Commission will be unable to adopt a valid Statement of Overriding Considerations because the EIR’s impact analysis, mitigation analysis, and alternatives analysis are deficient. Those arguments fail for the reasons discussed previously.¹¹⁰

CAF’s second premise is that the Project no longer confers sufficient benefits to support a Statement of Overriding Considerations. CEQA Guidelines section § 15093 requires the Commission to weigh the benefits it finds supported by the record as a whole (and not just by the

¹⁰⁸ CAF Brief, p. 52.

¹⁰⁹ See CEQA Guidelines, § 15093.

¹¹⁰ In support of its arguments, CAF cites several cases in which a Statement of Overriding Considerations was invalidated due to underlying deficiencies in the EIR. (*See* CAF Brief, p. 52-52 fn. 129, 132, 133.) Here, however, CAF has failed to substantiate any alleged deficiencies in the EIR that would preclude the Commission from lawfully adopting a Statement of Overriding Considerations.

EIR; see Pub. Res. Code § 21168) against the Project's remaining significant environmental impacts. CAF's argument rests on accepting its disputed assertions regarding Project need, Humboldt offshore wind development, and future transmission planning as established facts. But as discussed above, the record does not establish that the Project's objectives have become stale, that the Project's planning benefits have disappeared, or that alternative transmission projects have supplanted the need identified through the CAISO planning process.

At best, CAF attempts to put forward competing evidence regarding the extent and significance of the Project's benefits. However, in such circumstances all reasonable doubts must be resolved in favor of the lead agency's determination.¹¹¹ Accordingly, resolution of these factual disputes falls squarely within the Commission's authority and does not preclude the Commission from determining based on substantial evidence that the Project's reliability, deliverability, or other public-policy benefits outweigh its significant and unavoidable environmental impacts.

LSPGC presented a summary of the reliability, economic, public policy, environmental, and public safety benefits in its opening brief.¹¹² When the substantial, region-wide total benefits of the Collinsville Project are considered, they outweigh the significant and unavoidable impacts identified in the Final EIR, many of which are temporary or construction related and are subject to measures that reduce their severity.

The Commission should conclude on the basis of substantial evidence that the Project's benefits outweigh its remaining significant and unavoidable environmental impacts and adopt a Statement of Overriding Considerations.

¹¹¹ *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 393.

¹¹² LSPGC Brief, pp. 43-44.

VIII. COMPLIANCE WITH CEQA (ISSUE 8)

CAF limits its briefing on this issue to an incorporation of the arguments made earlier in its brief, which it describes as including “the improper compression of mitigation measures into project features, the unlawful compartmentalization of GHG emissions, the reliance on stale and artificially narrow project objectives, and the failure to consider feasible and environmentally superior alternatives.”¹¹³ All of these issues have been refuted by LSPGC in its Opening Brief¹¹⁴ and in this brief.

In its Opening Brief, LSPGC presented a detailed summary showing how the Final EIR was developed and completed in compliance with CEQA, as well as answers to the two other questions posed in the Scoping Memo concerning the Commission’s review and consideration of the Final EIR and whether the Final EIR reflects the Commission’s judgment.¹¹⁵

The Commission should therefore find that it has reviewed and considered the Final EIR, that the Final EIR was completed in compliance with CEQA, and that the Final EIR reflects the Commission’s independent judgment.

IX. THE APPLICATION MEETS THE REQUIREMENTS OF GENERAL ORDER 131-D (ISSUE 9)

CAF asserts that LSPGC’s application does not comply with General Order (GO) 131-D because the details of the estimated cost of the Proposed Project, as required by section IX.A.1.d of GO 131-D, were redacted and not available for public review.

CAF’s assertion is built on several misunderstandings. First, Public Utilities Code section 583 permits public utilities like LSPGC to submit information to the Commission in

¹¹³ CAF Brief, p. 52.

¹¹⁴ LSPGC Brief, p. 52.

¹¹⁵ LSPGC Brief, pp. 45-50.

confidence. LSPGC properly filed a motion for leave to file the confidential information in its application under seal at the same time it filed the application. Second, LSPGC is not required to make confidential and commercially sensitive information that it submits to the Commission publicly available. That does not mean that the information does not undergo scrutiny. When LSPGC submitted confidential information to the Commission, that information was also available to Energy Division, the Commissioners and their advisors, and the Administrative Law Judge, so the confidential information was still subject to close scrutiny. Third, the total estimated cost of the Proposed Project, including capital cost and Allowance for Funds Used During Construction (AFUDC) was made available to the public; only the commercially sensitive detailed cost information about components of the total cost was redacted.

Nothing in GO 131-D or Public Utilities Code section 1003(c) requires the Commission to defer action until LSPGC publicly discloses commercially sensitive component-level cost information that was properly submitted under seal. Nor is additional independent verification required merely because CAF cannot review those confidential details. The Commission has access to the materials and can evaluate them in determining compliance with GO 131-D and establishing the maximum reasonable and prudent cost under Issue 11.

LSPGC followed the proper procedure for submitting confidential or commercially sensitive information to the Commission. LSPGC complied fully with this and all other requirements of GO 131-D, as set forth in detail in LSPGC's Opening Brief.¹¹⁶

X. THE COLLINSVILLE PROJECT IS CONSISTENT WITH COMMUNITY VALUES (ISSUE 10)

¹¹⁶ LSPGC Brief, pp. 50-52.

Public Utilities Code section 1002(a)(1) requires the Commission, in determining whether to grant a CPCN, to give consideration to community values. In considering community values, the Commission looks to the record of the local community's actual, expressed views as revealed through Public Participation Hearing testimony, written correspondence submitted through the Public Advisor's Office or the CEQA process, and the positions of elected officials representing the affected area; the Commission does not give preference to the opinion of any single interested party, including a project opponent's own outreach or characterization of its role in the community.¹¹⁷ Moreover, even a well-documented community-values conflict does not itself preclude approval of a project; rather, it is one factor the Commission weighs alongside the project's benefits in selecting among alternatives and mitigation measures.¹¹⁸ As detailed below, CAF identifies no evidentiary record of community opposition to the Collinsville Project of the kind found in these precedents. CAF's community values argument rests entirely on its own self-described role as a large landowner and prospective developer, not on any showing of the existing community's actual views.

CAF submits that as the largest landowner in Solano County, its views represent those of the local community and should be given great weight.¹¹⁹ CAF invokes community values in an attempt to transform its private land ownership and future development ambitions into a present conflict with the construction of the Collinsville Project. CAF's approach overstates both the

¹¹⁷ See D. 08-12-058, pp. 258-263 (finding a project "very much at odds with community values" based on an extensive record of Public Participation Hearing testimony and correspondence, notwithstanding the applicant's own substantial community outreach efforts); D. 12-07-021, pp. 24-27 (tallying Public Participation Hearing testimony, written correspondence, elected-official letters, and the percentage of affected property owners who voluntarily entered project agreements).

¹¹⁸ D.08-12-058, p. 261.

¹¹⁹ CAF Brief, p. 55.

tentative status of CAF's plans and the relationship between those plans and the Collinsville Project. CAF states that it is "developing thousands of acres of land in southeastern Solano County with an advanced manufacturing park, a major new shipyard and new homes in walkable neighborhoods,"¹²⁰ and further asserts that the Collinsville Project runs through CAF's property and could require condemnation of CAF's property. CAF then asks the Commission to give weight to CAF's claimed role as a "steward for future residents and business,"¹²¹ based on its ownership or control of nearly 70,000 acres and its projections for future jobs, homes, residents, and ratepayers.

The Commission should reject CAF's self-appointed role as the steward for the local community. CAF's ownership of land gives it a private property interest in this proceeding, but it does not convert CAF's lofty ambitions or unapproved future development concepts into existing community values or a present land-use conflict with the construction of the Collinsville Project. CAF's planned city, advanced manufacturing district, and shipyard are not existing communities, not approved developments, and not entitled projects, and at this point their futures are far from certain. CAF does not identify any approved land-use entitlement, certified EIR, annexation approval, development agreement, or construction schedule for the city, manufacturing district, or shipyard it now invokes as a basis to oppose LSPGC's application.

The Final EIR did not ignore CAF's future development concepts; it treated the California Forever/Suisun Expansion proposal and the proposed shipbuilding project as cumulative projects and evaluated them to the extent information was available. The Final EIR explains that cumulative projects included ongoing and potential future projects in the vicinity of

¹²⁰ CAF Brief, p. 12.

¹²¹ CAF Brief, p. 55.

the Collinsville Project, and that no applications had been filed for the California Forever shipbuilding project. The Final EIR considered the California Forever projects “to the extent information is available on public websites or news articles about the potential for future development in the area.”¹²²

The Final EIR’s analysis does not support the conflict CAF claims to exist between its ambitions and the construction of the Collinsville Project. For the California Forever/Suisun Expansion proposal, Final EIR Table 4.0-1 states that the proposed Collinsville Substation site is approximately seven miles south of the potential development area shown on California Forever’s website. The Final EIR further states that no application was available for review at the time of EIR preparation, that no schedule had been published, and that no timing overlap for construction was identified.¹²³ For the separate California Forever Shipbuilding project, Final EIR Table 4.0-1 states that the shipbuilding operation would be located east of the proposed LSPGC Collinsville Substation, but also states that no application had been filed, no notice of preparation had been published, no application was available for review, no schedule had been published, and no construction-timing overlap was identified.¹²⁴

Those facts clarify the nature of the conflict CAF is claiming. The Collinsville Project will not be constructed in the middle of an approved city, an entitled manufacturing park, or an existing shipyard. The Collinsville Project is sited in an area the Final EIR describes as already characterized by utility operations, wind energy farms, agricultural lands, residences, and natural resource lands. The Final EIR states that the proposed LSPGC Collinsville Substation site is

¹²² Exh. FEIR-01, Vol. 2, p. 4.0-3.

¹²³ Exh. FEIR-01, Vol. 2, Table 4.0-1.

¹²⁴ Exh. FEIR-01, Vol. 2, Table 4.0-1.

located in the Solano Wind Resource Area, formerly the Montezuma Hills Wind Resource Area, and that surrounding land uses include “natural resource land areas, utility operations, residences, wind energy farms, and agricultural lands.”¹²⁵

CAF’s conflict narrative is built on three different propositions: that CAF owns land in the area, that CAF will implement future development on portions of that land, and that the Collinsville Project conflicts with that future development. The first proposition may be true. The second remains speculative and subject to future approvals. The third is shown to be erroneous by the Final EIR and by the record in this proceeding. The Final EIR shows the potential city/manufacturing area is miles away from the proposed substation, that the shipbuilding concept had no filed application or published schedule (and possibly no future), and that no construction-timing overlap was identified for either potential project.

CAF also cannot convert hypothetical future residents, businesses, or ratepayers into present community values that outweigh a transmission project that the CAISO has determined is needed for reliability and clean energy purposes. CAF argues that its “projects are expected to produce over 530,000 jobs and over 170,000 new homes” and that its voice as landowner and steward for future residents and businesses “carries considerable weight.” However, those future residents and businesses do not yet exist, and the development approvals necessary to create them, if they currently exist, have not been shown in this record.

By contrast, the Proposed Project is the subject of a pending CPCN application, has completed environmental review, and was identified as needed in the CAISO 2021-2022 Transmission Plan, with the need reaffirmed in the CAISO 2024-2025 Transmission Plan.

¹²⁵ Exh. FEIR-01, Vol. 2, p. 4.11-7.

More important, CAF has not shown that its future development concepts cannot coexist with the Collinsville Project. The Collinsville Project is a limited transmission project located in an existing wind-resource and utility-infrastructure setting. Future development, if ever approved, can plan around existing and approved infrastructure just as it must plan around existing wind turbines, agricultural operations, roads, utility corridors, the Suisun Marsh, the Delta, and other environmental and land-use constraints. The Final EIR's cumulative-project analysis is consistent with that conclusion: it considered the California Forever/Suisun Expansion proposal and shipbuilding concept, identified their distance/status/schedule limitations, and found no construction-timing overlap. CAF did not present substantial evidence showing that the Collinsville Project would preclude development of an approved city, an approved manufacturing district, or an approved shipyard.

Finally, CAF's reference to potential eminent-domain proceedings does not change the analysis. Many public-utility infrastructure projects that produce significant public benefits require acquisition of private land rights. That fact alone does not establish an adverse impact on community values, particularly where the affected land is not part of an existing residential community or entitled development. CAF may object as a landowner, but private landowner opposition is not the same as a showing that the Proposed Project conflicts with community values.

For these reasons, CAF's asserted development conflict should be given little weight in the Commission's consideration of community values. The record shows, at most, that CAF owns or controls land near the Proposed Project and hopes to pursue future development on portions of that land. It does not show that the Collinsville Project conflicts with an existing community, an approved land-use plan, an entitled development, or a reasonably anticipated

construction schedule. The Commission should reject CAF’s attempt to use its speculative future development ambitions to defeat a transmission project that CAISO has determined is needed and that the Final EIR shows can coexist with potential future development in the area.

XI. THE MAXIMUM PRUDENT AND REASONABLE COST OF THE PROJECT (ISSUE 11)

LSPGC’s opening brief presented a detailed discussion of the expected cost of the Proposed Project, including capital costs and AFUDC and requested approval of a maximum and prudent cost based on that estimate.¹²⁶ CAF offers no evidence that undermines LSPGC’s reaffirmed cost estimates or the requested maximum reasonable and prudent cost limits.

However, at another point of its brief, CAF claims that “ratepayers face an estimated pass-through cost exceeding \$1 billion for the proposed construction of an approximately four-and-a-half-mile submarine cable beneath the Sacramento River.”¹²⁷ CAF provides no support for this statement: no calculation, cost study, expert analysis, record citation, or explanation of whether that figure purports to represent the submarine cable alone, LSPGC’s entire Proposed Project scope, PG&E facilities, financing costs, or some other category. The figure cannot be reconciled with LSPGC’s record-supported estimates and requested cost caps and should be disregarded.

XII. IMPACTS ON ENVIRONMENTAL AND SOCIAL JUSTICE COMMUNITIES (ISSUE 12)

LSPGC’s opening brief explained the impacts of the Proposed Project on environmental and social justice communities and how the Proposed Project meets Goals 2 and 4 of the

¹²⁶ LSPGC Brief, pp. 54-58.

¹²⁷ CAF Brief, p. 12.

Commission’s Environmental and Social Justice Action Plan.¹²⁸ CAF did not dispute this issue or LSPGC’s explanation. The Commission should therefore find that the Proposed Project, or the environmentally superior alternative selected by the Commission, is consistent with the goals of the Commission’s Environmental and Social Justice Action Plan.

XIII. THE PROJECT COMPLIES WITH THE COMMISSION’S POLICIES ON MITIGATION OF ELECTRIC AND MAGNETIC FIELDS EFFECTS (ISSUE 13)

LSPGC’s Opening Brief demonstrated that the Proposed Project complies with the Commission’s policies regarding mitigation of electric and magnetic field effects.¹²⁹ CAF did not dispute that showing. The Commission should therefore find that the Proposed Project, or the environmentally superior alternative selected by the Commission, complies with the Commission’s EMF mitigation policies.

XIV. CONCLUSION

In its 2021-2022 Transmission Planning Process, the CAISO, whose primary interest is maintaining the reliability of the transmission grid that it controls and operates, after a year-long transmission planning study, identified the Collinsville Project as the solution to reliability issues affecting the 230 kV transmission system in the East Bay and a way to improve reliability in the Greater Bay Area by opening up a new path for 500 kV power to enter the Greater Bay Area from the north. CAF devoted much of its participation in this proceeding challenging the justifications the CAISO identified for the Collinsville Project. CAF also challenged a purpose that was not a primary justification for the Project—serving as a the southern terminus for a 500 kV transmission line designed to bring energy from offshore wind resources in the Humboldt

¹²⁸ LSPGC Brief, pp. 58-60.

¹²⁹ LSPGC Brief, pp. 60-62

area into the Bay Area load center—and anchored its opposition to the Project in the uncertainty confronting the development of offshore wind off the California Coast..

LSPGC, joined by the CAISO, has exposed the flaws in each of CAF’s arguments and resisted CAF’s attempts to persuade the Commission to delay granting a CPCN for the Project or reject the application.

The record in this proceeding fully supports the justifications the CAISO stated when it identified the Collinsville Project as the best solution for some pressing issues: the Proposed Project will open up a new path for power from the 500 kV transmission system to flow into the Greater Bay Area from the north, enhancing reliability in the Greater Bay Area and improving deliverability for renewable energy projects in Solano County and other renewable energy areas north of the Sacramento-San Joaquin River Delta. In addition, the Collinsville Project will have the added benefit of addressing thermal overloading issues in the 230 kV system in the Contra Costa-Newark corridor.

Construction of the Collinsville Project will bring significant benefits to the grid in Northern California and the people, businesses, and larger economy of the Greater Bay Area. Granting LSPGC a CPCN to construct the Collinsville Project is a critical step toward making those benefits a reality.

For all these reasons stated in LSPGC’s Opening and Reply Briefs, LSPGC respectfully requests the Commission to:

- Grant LSPGC a Certificate of Public Convenience and Necessity authorizing LSPGC to construct its portion of the Collinsville 500/230 kV Substation Project, as proposed, or the environmentally superior alternative identified in the Final Environmental Impact Report;

- Find that the rebuttable presumption of need under Public Utilities Code section 1001.1 applies and has not been rebutted;
- Find that the Final Environmental Impact Report has identified the significant environmental impacts of constructing and operating the Collinsville 500/230 kV Substation Project and has developed mitigation measures that will avoid or lessen the identified significant environmental impacts, except for twelve identified significant and unavoidable impacts for the Project as proposed and seven identified significant and unavoidable impacts for the environmentally superior alternative;
 - Conclude that the critical reliability, economic, public policy, environmental, and public safety benefits of the Project as proposed or the environmentally superior alternative override the significant and unavoidable environmental impacts;
 - Certify the Final Environmental Impact Report prepared by Energy Division staff;
 - Establish a maximum reasonable and prudent cost for the Proposed Project of \$437.6 million and a maximum reasonable and prudent cost for the environmentally superior alternative of \$447.2 million;
 - Find that the Proposed Project or the environmentally superior alternative complies with the Commission's policies on Electric and Magnetic Fields; and
 - Find that construction of the Proposed Project or the environmentally superior alternative aligns with the goals of the Commission's Environmental and Social Justice Action Plan.

Respectfully submitted this 24th day of July, 2026, at San Francisco, California.

DOWNEY BRAND LLP
Brian T. Cragg
455 Market Street, Suite 1500
San Francisco, California 94105
Telephone: (415) 848-4800
Email: bcragg@DowneyBrand.com

By /s/ Brian T. Cragg

Brian T. Cragg

Attorneys for LS Power Grid California, LLC