

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

**Communications Division
Carrier Oversight and Programs Branch**

**RESOLUTION T-17589
June 21, 2018**

RESOLUTION

RESOLUTION T-17589. This Resolution approves Charter Fiberlink CA-CCO, LLC's (U-6878-C) request for a deviation from Public Utilities Code § 320 to construct new overhead (aerial) fiber facilities along State Scenic Highways 1 and 68 in Monterey County.

By Advice Letter 149 filed on October 25, 2017, and Supplement Advice Letters 149-A filed November 22, 2017, and 149-B filed January 8, 2018.

SUMMARY

This Resolution grants Charter Fiberlink's (Charter)(U-6878-C) request for a deviation from Public Utilities (P.U.) Code Section 320 and California Public Utilities Commission (Commission) Decision (D.) 80864, to construct new overhead fiber facilities on existing utility poles along 4.4 miles of a 6.7 mile segment of State Scenic Highway 1, and 8.7 miles of a 13.6 mile segment of State Scenic Highway 68, both in Monterey County.

BACKGROUND

P.U. Code Section 320

P.U. Code Section 320 states that:

The legislature hereby declares that it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any highway designated a state scenic highway pursuant to Article 2.5 (commencing with § 260) of Chapter 2 of Division 1 of the Streets and

Highways Code and which would be visible from such scenic highways if erected above ground.

The Commission is responsible for the administration of Section 320. After hearings conducted in Case 9364, the Commission implemented Section 320 in D.80864 on December 19, 1972, which states:

In order to facilitate administration, letter requests for deviations will be accepted, reviewed by the Commission staff and, where appropriate, approved by Commission resolution.

D.80864 states that no communications or electric utility shall install overhead distribution facilities “in proximity to” and “visible from” any prescribed corridor on a designated scenic highway in California unless a showing is made before the Commission and the Commission finds that undergrounding would not be feasible or would be inconsistent with sound environmental planning. The Decision defines “in proximity to” as being within 1,000 feet from each edge of the right-of-way (ROW) of designated state scenic highways. Decision 80864 requires that all communications or electric utilities facilities within 1,000 feet of a scenic highway be undergrounded.

D.80864 further states that when repairs or replacement of existing overhead facilities in the same location do not significantly alter the visual impact of the scenic highway, they should not be considered as new construction and need not be converted to underground. Therefore, based on D.80864, deviations from § 320 may be permitted when undergrounding would not be economically feasible and would not significantly alter the visual impact of the scenic highway.

Accordingly, the Commission requires that any exemption or deviation from P.U. Code Section 320 requirements be requested through a Tier 3 advice letter (AL) to the Communications Division (CD).

Charter’s Proposed Deviation to P.U. Code Section 320

In 2015, Time Warner Cable Information Services (California), LLC (TWC) (U-6874-C) and Bright House Networks Information Services (California), LLC (BHN) (U-6955-C), submitted a joint application ((A.)15-07-009), pursuant to P.U. Code § 854, for an expedited approval of the transfer of control of both entities to Charter Communications, Inc., and for an expedited approval of a pro forma transfer of control to Charter Fiberlink CA-CCO, LLC. Monterey County intervened in this merger

proceeding to protect the interests of approximately 25,000 of its households that are in Charter-service areas that have “only limited analog cable services and no broadband or telephone services” and could be “permanently underserved” if Charter’s fiber-optics network is not extended to them, noting also that “these households represent the approximately one-quarter of the County’s residents that have limited broadband capability.”

The Commission approved the transfer of control of TWC and BHN to Charter in D.16-05-007, subject to various conditions imposed by a separate agreement with Monterey County, requiring Charter to upgrade its services within three years of Commission approval of the application. The Commission required Charter to install fiber optic cable along State Highways 1 and 68.

On October 25, 2017, Charter submitted Tier 3 AL 149 to CD requesting an exemption or deviation from undergrounding requirements set forth by P.U. Code Section 320, in order to comply with D.16-05-007. AL 149 stated that “the project consists of approximately 20.5 miles of new fiber-optic cable to be placed within 1,000 feet of Highway 1 and Highway 68 in Monterey County.” The AL states that most of the new cable will be placed on existing telecommunications, electric, and joint poles. The remainder will be placed underground.

AL 149 states that of the project’s total length, 16 miles will be placed overhead (aerial) with 4.5 miles to be placed underground. For the overhead lengths, 5.5 miles will be placed overhead along Highway 1 between the intersection at Corona Road and the Aguajito Road off-ramp, with an additional 10.5 miles to be placed overhead along Highway 68 between the intersections at Hitchcock Road and Olmstead road.

Charter has identified several benefits in support of the construction of its overhead fiber facility. These include: 1) Broadband infrastructure is essential to attract capital investment, generate jobs and increase economic productivity; 2) High-speed Internet access along with computing technology and digital skills greatly enhances job opportunities; 3) Monterey County residents will benefit from greatly enhance ability to use the Internet for job hunting, educational training, launching new businesses, in addition to personal communications and entertainment; 4) The County’s lack of broadband Internet limits its ability to attract high-tech and research jobs; and 5) High-speed Internet will support Monterey County’s aim to become a core for agriculture technology.

AL 149 also included letters of support from County Supervisor Mary Adams; the Central Coast Broadband Consortium; the Carmel Highlands Homeowners' Association; and Carmel Resident Mr. Richard H. Larsen.

Charter filed AL 149-A on November 22, 2017, which expresses the California Department of Transportation's (CalTrans) support for Charter's request. Finally, Charter filed AL 149-B on January 8, 2018, which expresses the County of Monterey Department of Technology's support for Charter's request.¹

NOTICE/PROTEST

The Commission Daily Calendar published Notices of ALs 149, 149-A, and 149-B on October 27 and November 29, 2017; and January 12, 2018, respectively. The Commission did not receive any protests to the ALs.

DISCUSSION

Overview

Staff reviewed the AL 149 set of filings, the process, and the supporting documents that Charter provided to comply with P.U. Code Section 320 deviation requirements. Staff considered the following elements to review Charter's request: 1) the project scope; 2) economic feasibility of placing these facilities underground; 3) the necessity of the project; 4) the California Environmental Quality Act (CEQA); 5) and the visual and environmental impact of placing aerial facilities, including local government or jurisdictional response.

1. Project Scope

A number of highways in California are designated as state scenic highways. State Route 1 (SR 1) is a major north-south state highway that runs along much of the Pacific coastline of California. The segment of SR 1 from the San Luis Obispo county line to the Carmel River was designated a state scenic highway on June 7, 1965. The segment of SR 1 from the Carmel River to SR 68 was designated a scenic highway on May 21, 1970.² SR 68 is designated a state scenic highway along its entire length, from SR 1 in Monterey to the Salinas River. It received state scenic highway status on June 19, 1968.³

¹ See The Department of Technology's letter, written December 29, 2017, was authorized by the Monterey County Board of Supervisors.

² See <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>

³ See <http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html>

Charter's original request in AL 149 was for Section 320 deviation to construct new overhead fiber facilities on existing utility poles along 5.5 miles of a 6.7 mile length of State Scenic Highway 1 and 10.5 miles along a 13.6 mile length State Scenic Highway 68. The remainder of the fiber placement for those segments would be underground.

After submitting AL149, Charter made some changes in response to PG&E, who had identified a number of poles that could not accommodate additional facilities, and had notified Charter of this development. Consequently, Charter changed some of the originally planned aerial segments so that they will now be placed underground.

This information came to light upon Staff's review of updated mileage post documentation provided by Charter. A series of conversations and emails during early April confirmed these changes and, accordingly, the relative changes in aerial versus underground placement lengths, which decreased in comparison to Charter's original AL submission stating that the aerial placement length would be 16 miles and the underground placement length would be 4.5 miles. Charter subsequently revised the project scope as follows:

- From south to north, the recalculated aerial segments will total 4.395 miles of aerial placement and 2.280 miles of underground placement along a 6.675 mile length on Highway 1 from Mile Post 68.333 to Mile Post 75.008;
- Plus 8.722 miles of aerial placement and 4.902 miles of underground placement along a 13.625 mile length of Highway 68.
- Total aerial segments sum to 13.117 miles; total underground segments sum to 7.183 miles. All aerial and underground segments have been accounted for, totaling a recalculated 20.3 miles.

No aerial segments—only underground segments—have been added for placement. All of the construction will take place within Monterey County. The aerial versus underground measurements as designated by Mile Posts are shown in Appendix A.

2. Economic Feasibility of Underground Placement for Charter's Project

Charter's AL 149 submission stated that the cost of undergrounding fiber is \$116,160 per mile, and aerial placement costs are \$13,728 per mile, an 8.5:1 ratio. Using these inputs, and due to Charter's change in plans for aerial facilities placement on PG&E poles, aerial placement now equals approximately 13.1 miles and underground placement now equals approximately 7.2 miles, totaling approximately 20.3 miles. Table 1 shows the resulting estimated cost calculation for completing this project, using the updated aerial versus underground mileage inputs.

Table 1

Total Cost and Cost Ratio, Updated Plan (7.2 Miles Underground; 13.1 Overhead)				
	Aerial Placement	Underground Placement	Total Cost	Cost Ratio
Miles	\$ 13.1	\$ 7.2		
Cost/Mile	\$ 13,728	\$ 116,160		8.5
Cost	\$ 179,837	\$ 836,352	\$ 1,016,189	

3. Necessity of Project

Staff confirms through its review of the AL 149 set of filings that Charter is upgrading its systems in Monterey County in order to comply with conditions imposed by the Commission. Monterey County intervened in the Charter/Time Warner merger proceeding (Application (A.)15-07-009, to address the interests of approximately 25,000 of its households that are in Charter's service areas that have "only limited analog cable services and no broadband or telephone services" and could be "permanently underserved" if Charter's fiber-optic network is not extended to them. These households represent approximately one-quarter of the County's residents that have limited broadband capability.

The Commission approved A.15-07-009 in D.16-05-007. The approval was subject to various conditions imposed by a separate agreement with Monterey County. These conditions require Charter to upgrade its services in Monterey County by building out a high-speed, fiber optic network that provides broadband internet service; voice over internet protocol; and video on-demand, digital video, and high-definition cable television services. These conditions appear in the agreement between Charter and the County:

[Charter] shall, within three (3) years of Commission approval of the Application, complete an upgrade to the Salinas Valley System to an interactive two-way network. Such network shall provide at a minimum: 1) broadband Internet of a quality and speed equivalent to offerings by Charter or its affiliates in Santa Cruz and San Benito Counties (including but not limited to speeds of at least 60 Mbps download and 4 Mbps upload ...); 2) video on demand and digital video and high definition cable television services; and 3) Voice over Internet protocol services.

The upgrades listed above are mandatory, as D.16-05-007 expressly ordered Charter to "abide by all the terms and conditions of the agreements with the County of Monterey." The segments of the fiber-optic build-out addressed in this § 320 deviation request will specifically enable broadband service to nearly a thousand homes in unincorporated

Monterey County, including the communities of Laguna Seca and the Carmel Highlands Association (CHA), and must be completed in order to fulfill Charter's commitments to the County as set forth in the merger decision.

Charter is expected to begin providing high-speed, broadband internet service to the areas covered by the agreement within three years of the approval date of D.16-05-007. Granting Charter's deviation request should assist in its ability to be compliant with the decision. Charter states that a majority of the combined lengths of Highway 1 and Highway 68 subject to this application have existing poles and overhead electric distribution facilities, and given that no new poles will be installed, undergrounding the entire project would delay the delivery of the project's important public interest benefits.

4. The California Environmental Quality Act (CEQA)

CEQA requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.⁴

CEQA applies to certain activities of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to the provisions of CEQA, as are many governmental decisions which do not immediately result in physical development (such as adoption of a general or community plan). Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.

Charter asserts, through advice of counsel, that the project is exempt under the Class 1 Categorical Exemption codified at CEQA Guidelines Section 15301.⁵ This exemption covers minor alterations of existing public and private structures or facilities involving negligible expansion of use. Charter's deviation request involves only minor alterations of existing overhead structures and facilities. Staff concludes that the ongoing

⁴ See <http://resources.ca.gov/ceqa/more/faq.html>

⁵ Charter Advice Letter 149 at 8.

maintenance and operations associated with the continued use of the existing overhead structures and facilities will not be significantly different than pre-project conditions.

Charter also states that the Class 3 Categorical Exemption applies to this project.⁶ This exemption, codified at CEQA Guidelines Section 15303, covers installation of small new structures and facilities. As determined by the California Court of Appeal, this exemption encompasses projects such as the city-wide installation of hundreds of above-ground utility cabinets throughout San Francisco.⁷ Likewise, the exemption applies to limited overhead facilities that are being installed on existing poles in this case.

Further, Charter states the prohibition on exemptions for projects that damage scenic resources in CEQA Guidelines Section 15300.2(d) does not apply here.⁸ As previously noted, the proposed aerial facilities consist of a single overhead cable on existing utility poles that already have electrical and telecommunications attachments. Long stretches of Scenic Highways 1 and 68 are bordered by utility lines, often on both sides, as illustrated in Exhibit C of AL 149. Adding a single cable in areas that already have poles and aerial facilities would not damage scenic resources as compared to existing pre-project conditions. Additionally, the minimal effects of the project have been reduced, as the cumulative length of the aerial portion of the project has been reduced since the AL 149 filing.

Finally, Charter states that temporary installation activities related to the aerial segments also will not damage scenic resources. The cable will be installed over existing rights-of-way with conventional equipment, and no existing structures will be modified.

Staff reviewed Charter's statements and consulted with the Caltrans Landscape Architect for District 5. The Landscape Architect reviewed the *Visual Impact* section and related attachments provided in the *Advice Letter No.149 of Charter Fiberlink CA-CCO, LLC (U-6878-C)*, dated October 20, 2017, requesting an exemption from the undergrounding requirements set out by P.U. Code § 320. The review was specifically related to the project's potential visual effect on State Routes 1 and 68 in Monterey County, officially designated State Scenic Highways.⁹

⁶ See Email from Mark Bruner, Perkins Coie LLP, to Jack Mulligan of CPUC Legal Division, January 31, 2018.

⁷ See *San Francisco Beautiful v. City and County of San Francisco*, 226 Cal. App. 4th 1012 (2014).

⁸ Cal. Code Regs. Tit. 14, §15300.2(d).

⁹ The Landscape Architect's review does not preclude additional visual analysis which may be required as part of the Caltrans Encroachment Permit process.

The Landscape Architect concurred with findings of the AL's *Visual Impact* section that the project would not significantly alter the visual quality of the affected scenic highway corridors. The concurrence found that the noticeability of the proposed cables would be minimal as seen in the visual context of the existing overhead utilities within the project areas. The project proposes using the existing infrastructure and no new utility poles are proposed. Staff's review also considered potential community sensitivity as demonstrated by the letter of project support from Monterey County Fifth District Supervisor Mary L. Adams (Exhibit E-1, dated October 9, 2018) which states that "...any visual impact caused by Charter's construction would be minimal".

Staff finds that the CEQA Guidelines Section 15300.2(d) prohibition from relying on a categorical exemption for projects that may damage scenic resources within scenic highways does not apply. Staff concurs with Caltrans' Landscape Architect that Charter's project meets the criteria for the CEQA Guidelines Section 15301 "existing facilities" exemption and the CEQA Guidelines Section 15303 "new construction of small structures"; and the project is categorically exempt from CEQA review.

5. Visual and Environmental Impact of Aerial Facilities Placement

In its advice letter filing, Charter provided photos of parts of SR 1 and SR 68 where its new facilities would be installed, as well as photos of the parts of the highways where Charter will underground its facilities. In the case of the SR 68 construction, one photo shows existing utility poles that appear to be located far enough away from SR 68 to be difficult to observe. In other photos of SR 1 and SR 68, there appears to be utility poles on the sides of the highway with both electric and communications lines. It does not appear that the addition of Charter's single fiber cable to these areas will have a noticeable visual impact. Charter states that its proposed facilities will not affect any scenic resources that have not already been disturbed by existing overhead lines and equipment.

The following six letters in support of Charter's project uniformly cite—in their respective and separate opinions—that the placement of aerial fiber on existing poles would have little or no visual and environmental impact.

California Department of Transportation (CalTrans) (AL 149-A, Exhibit A)

Peter Hendrix, District Encroachment Permit Engineer for the California Department of Transportation (Caltrans) District 5, wrote in support of the project, acknowledging the importance of providing broadband service to the

rural portions of Monterey County. The letter states that Charter's utilization of the existing poles would have little effect on the existing view sheds, and that the utilization of existing poles would minimize surface and subsurface ground disturbance.

The letter clarifies that District 5 will review the request for work in the State right of way only through the encroachment permit process, considering the California Environmental Quality Act (CEQA) impacts on an application by application basis. Caltrans concluded that support for Charter's request does not remove or waive any Caltrans requirements that Charter will have to satisfy during the encroachment permit process.

Monterey County Supervisor Mary L. Adams (AL 149, Exhibit E-1)

Mary L. Adams Supervises the Fifth District for the Monterey County Board of Supervisors. Her letter states that the upgrade to Charter's network will provide substantial benefits to residents and businesses of Monterey County, approximately a quarter of which lack access to high-speed internet and digital video services except on mobile devices. This deficiency results in impediments to public safety and economic development.

Project completion will offer 100 Mbps of residential broadband to the 25,000 serviceable homes in its Monterey County footprint and up to 10 Gbps direct fiber service to local businesses, Charter will also launch Spectrum Internet Assist, a low-service for low income families and seniors. These services will become available in some of Monterey County's unserved and underserved areas, such as 900 households in Carmel Highlands and Laguna Seca. Supervisor Adams stated that because poles and aerial lines are already in place, any visual impact caused by Charter's construction would be minimal, and requests that the Commission promptly approve Charter's exemption as expeditiously as possible.

The Central Coast Broadband Consortium (CCBC) (AL 149, Exhibit E-2)

The CCBC is the CPUC's designated and funded Regional Broadband Consortium representing this area, and expressed strong support for Charter's Communications' project, indicating that the exemption is necessary for Charter to meet the obligations imposed by the Commission, for the betterment of the Monterey County region. The CCBC actively assisted the County of Monterey when it intervened in the merger Proceeding A. 15-07-009, which led to D.16-05-

007. The decision required Charter to upgrade its analog cable systems in Monterey County to full digital capability by May 18, 2019.

Further the CCBC stated that “It is our opinion that the addition of a single fiber optic cable to the existing pole routes on SR 1 and SR 68 would have no significant aesthetic, environmental or safety impacts, provided that the work is completed in compliance with CPUC General Order 95 and other applicable standards.” The CCBC requested that this exemption be granted without delay, so that Charter may meet its obligations to their community.

The Carmel Highlands Association (AL 149, Exhibit E-3)

The CHA represents the majority of residents living in Carmel Highlands. CHA explained that Charter's network upgrade will provide substantial benefits to the many residents that lack a source of reliable and affordable access to high-speed Internet and digital video services, except through mobile devices.

CHA stated that the completed project will enable Charter to offer 100 Mbps of residential broadband Internet service to residences and up to 10 Gbps direct fiber service to local businesses. Charter will also be able to launch Spectrum Internet Assist, a low cost broadband program to be available in underserved areas for low-income families and seniors. Additionally, the project supports local workforce development and job creation policies.

CHA further stated that because poles and aerial lines are already in place along these areas of roadway, any visual impact caused by Charter's construction would be minimal. Given the importance of this project, the CHA requested that the Commission approve Charter's exemption as expediently as possible.

Mr. Richard H. Larsen, Carmel resident (AL 149, Exhibit E-4)

Mr. Larsen, a Carmel area resident, states that his family and the vast majority of residents in the area strongly support the Section 320 exemption, approving placement of overhead fiber cable along Highways 1 and. Mr. Larsen and his wife operate businesses, and the current lack of broadband internet limits their ability to compete in an otherwise high-speed connected world. Similarly their children are not able to access internet resources for school and personal learning. Mr. Larsen ends his letter by stating “Thank you for your commitment to the digitally-forgotten residents of Monterey County.”

County of Monterey, Department of Information Technology (AL 149-B, Exhibit A)

The County voices its support for Section 320 exemption request, citing historically minimal or non-existent cable video and broadband internet services to large areas of the County, and stating that project completion would allow Charter to bring long overdue upgraded services to significantly underserved portions of rural Monterey County. The County states that because the construction will be placed on existing poles with existing aerial lines, it believes that the aesthetic impact will be minimal.

The County continued that it expects a boost in economic development as a result of Charter's upgrades, as it will attract employers who would not otherwise be able to operate competitively without high speed internet. The County concludes that granting Charter the exemption would significantly serve the interests of Monterey County residents.

After reviewing several photographs of overhead facilities provided in the advice letters along with the letters of support, Staff finds that overhead placement of fiber optic cable will not significantly alter visual impact to the scenic highway.

Safety Considerations

The Commission's General Order (G.O.) 95 contains safety directives concerning overhead utility lines. Specifically, G.O. 95, Section 1, Rule 11 states: "The purpose of these rules is to formulate for the State of California, requirements for overhead line design, construction and maintenance, the application of which will ensure adequate service and secure safety to persons engaged in the construction of, maintenance and operation or use of overhead lines and to the public in general."¹⁰ Charter maintains that once the project is complete, faster broadband services will be available to current and future residents, businesses, and public entities within Charter's service area. Improving broadband connectivity should improve public safety and welfare in Monterey County.

Conclusion

Staff followed-up with Charter regarding changes to the original plan associated with the length of aerial versus underground placement, and the resulting changes in

¹⁰ D.12-01-032, January 12, 2012.

project scope, Staff also reviewed the economic feasibility of aerial versus underground fiber placement, the necessity of timely project completion, and the applicability of CEQA exemption including the visual and environmental impact of aerial placement. Finally, Staff also reviewed letters supporting the project submitted by numerous interests. and finds that a Section 320 deviation should be granted.

Based on the above discussion, Staff has reviewed all of the documents submitted in the original and supplemental advice letters and recommends that the Commission approve Charter's request for a deviation from the requirements of P.U. Code Section 320 to construct new overhead fiber facilities along State Scenic Highway 68, both in Monterey County.

Comments

In compliance with P.U. Code § 311(g), the Commission emailed a notice on May 1, 2018, informing all parties on the service list for Resolution T-17589 of the availability of this resolution for public comments at the Commission's website: www.cpuc.ca.gov. The notice also informed parties that the final conformed resolution adopted by the Commission will be posted and available on this same website.

FINDINGS AND CONCLUSIONS

1. The Commission implemented Public Utilities Code Section 320 in Decision (D.) 80864 on December 19, 1972.
2. D.80864 authorizes the Commission to accept, review and approve Section 320 deviation requests.
3. In 2015, Time Warner Cable Information Services (California), LLC (TWC) (U-6874-C) and Bright House Networks Information Services (California), LLC (BHN) (U-6955-C), submitted a joint application ((A.)15-07-009), pursuant to P.U.Code. § 854, for an expedited approval of the transfer of control of both entities to Charter Communications, Inc. (Charter), and for an expedited approval of a pro forma transfer of control to Charter Fiberlink CA-CCO, LLC (U-6878-C).
4. Advice Letter (AL) 149 cited mandatory upgrades as ordered by D.16-05-007 including the compliance directives to complete this project within three years.

5. Charter filed Tier 3 Advice Letter 149 with the Communications Division on October 25, 2017, requesting Section 320 deviation to allow Charter to construct overhead fiber facilities along designated State Scenic Highways 1 and 68 in Monterey County.
6. AL 149 contained letters of support from Supervisor Mary L. Adams, the Central Coast Broadband Consortium, the Carmel Highlands Association and Carmel area resident Richard H. Larsen.
7. On November 22, 2017, Charter filed Supplement AL 149A which contained a letter of support from the California Department of Transportation.
8. On January 8, 2018, Charter filed Supplement AL 149B which contained a letter of support from the County of Monterey.
9. The Commission did not receive any protests to ALs 149, 149-A, and 149-B.
10. The segment of State Route 1 from the San Luis Obispo County line to the Carmel River was designated a state scenic highway on June 7, 1965. The segment of State Route 1 from the Carmel River to State Route 68 was designated a state scenic highway on May 21, 1970.
11. State Route 68 along its entire length from State Route 1 in Monterey to the Salinas River was designated a state scenic highway on June 19, 1968.
12. After Charter submitted AL 149, PG&E identified a number of poles that could not accommodate additional facilities, and notified Charter of this development. This resulted in changes to the project plan, resulting in aerial segments that total approximately 13.1 miles and underground segments that total approximately 7.2 miles.
13. No additional aerial segments will be added from the project changes.
14. Charter has provided an expression of opinion through advice of counsel, which states the project is categorically exempt from CEQA requirements.
15. CPUC staff consulted with the Caltrans's Landscape Architect for District 5 and conclude that the project will not damage scenic resources along a state scenic highway.
16. The project is categorically exempt from CEQA review because it meets the criteria for the CEQA Guidelines Section 15301 "existing facilities" exemption and the CEQA Guidelines Section 15303 "new construction of small structures".

17. In ALs 149, 149-A and 149-B, Charter provided six letters in support of Charter's project that uniformly cite that the placement of aerial fiber on existing poles would have little or no visual and environmental impact.
18. Staff recommends that the Commission approve Charter's request for a deviation from the requirements of P.U. Code Section 320 to construct new overhead fiber facilities on existing utility poles along 4.4 miles of a 6.7 mile length of State Scenic Highway 1, and 8.7 miles of a 13.6 mile length along State Scenic Highway 68, both in Monterey County.

THEREFORE, IT IS ORDERED that:

1. Charter Fiberlink CA-CCO, LLC's (U-6878-C) request for a deviation from Public Utilities Code §320 and Decision 80864, to construct new overhead fiber facilities on existing utility poles along 4.4 miles of a 6.7 mile segment of State Scenic Highway 1, and 8.7 miles of a 13.6 mile segment along State Scenic Highway 68, both in Monterey County, California, is approved.

This Resolution is effective today.

I certify that the foregoing Resolution was duly introduced, passed, and adopted at a conference of the Public Utilities Commission of the State of California held on June 21, 2018, the following Commissioners voting favorable thereon:

ALICE STEBBINS
Executive Director

APPENDIX

Appendix A

Highway 1 Mile Marker Distances separated by aerial vs. underground placement, in sequence								
Aerial Mile Post			Underground Mile Post					
From	To	Distance	From	To	Distance			
68.333	69.081	0.748						
			69.081	69.168	0.087			
			69.168	69.674	0.506	Leaves 1,000 ft ROW path		
69.674	70.341	0.667						
			70.341	70.428	0.087			
70.428	70.965	0.537						
			70.965	71.404	0.439			
71.404	72.757	1.353						
72.757	72.912	0.155				Leaves 1,000 ft ROW path		
			72.912	73.596	0.684			
73.596	74.531	0.935						
			74.531	75.008	0.477			
O/H		4.395	U/G		2.280	6.675		

Appendix A (continued)

Highway 68 Mile Marker Distances separated by aerial vs. underground placement, in sequence								
Aerial Mile Post			Underground Mile Post					
From	To	Distance	From	To	Distance			
			5.549	5.554	0.005			
5.554	6.647	1.093						
			6.647	6.660	0.013			
6.660	6.882	0.222						
			6.882	8.134	1.252			
8.134	9.582	1.448						
			9.582	9.945	0.363			
9.945	12.707	2.762						
			12.707	13.625	0.918			
13.625	14.085	0.460						
			14.085	14.361	0.276			
14.361	14.718	0.357						
			14.718	14.929	0.211			
14.929	15.053	0.124						
			15.053	15.900	0.847			
15.900	16.408	0.508						
			16.408	17.016	0.608			
17.016	17.183	0.167						
17.183	17.886	0.703				Leaves 1,000 ft ROW path		
17.886	17.917	0.031						
17.917	18.179	0.262						
18.179	18.422	0.243						
			18.422	18.832	0.410			
18.832	19.174	0.342						
O/H		8.722	U/G		4.903	13.625		
Total O/H		13.117	Total U/G		7.183	20.300		

End of Appendix A

End of Appendix A-2