

Decision 18-09-024 September 13, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In The Matter of the Application of
San Diego Gas and Electric Company
(U902E) for a Permit to Construct
Electrical Facilities; Cleveland National
Forest Power Line Replacement
Projects.

Application 12-10-009
(Filed October 17, 2012)

**ORDER MODIFYING DECISION (D.) 16-05-038,
AND DENYING REHEARING OF DECISION, AS MODIFIED**

I. INTRODUCTION

This decision disposes of the application for rehearing of Decision (D.) 16-05-038 (or “Decision”),¹ and related motion for stay, filed by the Protect Our Communities Foundation (“POC”) and Cleveland National Forest Foundation (“CNFF”).

In D.16-05-038, the Commission granted San Diego Gas & Electric Company (“SDG&E”) a permit to construct (or “PTC”) for the Cleveland National Forest Power Line Replacement Projects (“CNF Projects”). The Decision also certified the Environmental Impact Report (“EIR”) prepared pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) (“CEQA”). The Commission found that the project’s benefits - reducing the risk of wildfires and power outages caused by powerline failure - outweigh the project’s significant and unavoidable effects on air quality from temporary construction activities.

The CNF Projects involve the replacement or rebuild of five 69-kilovolt (“kV”) power lines and six 12-kV distribution lines that are located both within and outside the Cleveland National Forest (“CNF”). SDG&E was operating electric facilities

¹ All citations to Commission decisions are to the official pdf versions, which are available on the Commission’s website at: <http://docs.cpuc.ca.gov/DecisionsSearchForm.aspx>.

within the CNF under temporary, one-year authorizations from the U.S. Forest Service (“Forest Service”). SDG&E applied to the Forest Service for a Master Special Use Permit (“MSUP”) to continue to operate the electric facilities and certain ancillary and appurtenant facilities within the CNF. As part of the National Environmental Policy Act (“NEPA”) review process, the Forest Service determined that the MSUP review process would include the evaluation of additional fire risk reduction measures and undergrounding. The Commission and the Forest Service prepared a joint document, an Environmental Impact Report / Environmental Impact Statement (“EIR/EIS”) to comply with both NEPA and CEQA.

Protect Our Communities Foundation (“POC”) and Cleveland National Forest Foundation (“CNFF”) jointly filed an application for rehearing of D.16-05-038. POC and CNFF (together, “rehearing applicants”) raised challenges to the Decision granting the PTC. The rehearing applicants allege the Decision failed to adequately consider project cost, need and economic risks. They also argue that Commission violated CEQA and General Order (“GO”) 131-D by: (1) improperly shifting project objectives and applying an unduly narrow project purpose; (2) failing to analyze a reasonable range of alternatives; (3) failing to adequately analyze growth inducing effects; (4) inadequately analyzing cumulative impacts; (5) inadequately responding to comments; (6) failing to make the requisite findings of fact regarding significant environmental impacts; and (7) adopting a statement of overriding considerations lacking record support. SDG&E filed a response to the rehearing application. The rehearing applicants also filed a motion for stay of the Decision.

We have reviewed each and every allegation of error raised in the rehearing application, and are of the opinion that the Decision should be modified to: (1) add specific findings for each distinct environmental impact; and (2) include a more detailed statement of overriding considerations. As good cause has not been shown, rehearing of D.16-05-038, as modified, is denied. The motion for stay is denied as moot.

II. DISCUSSION

A. The Commission correctly determined that the cost and need for the CNF Projects were not required to be litigated as part of the PTC application.

The rehearing applicants allege that the Commission violated its statutory obligations to protect ratepayers by approving a PTC for the CNF Projects without considering the project cost, need and economic risk. (Rehrg. App., pp. 7-12.) This allegation has no merit because the law does not require the Commission to consider a detailed analysis of need and economic risks in its review of a PTC application.

GO 131-D, adopted by the Commission in D.94-06-014,² sets forth the Commission's current regulations pertaining to the construction of new transmission facilities. For projects over 200 kV, a utility is required to obtain a certificate of public convenience and necessity ("CPCN"). For facilities between 50 kV and 200 kV, a utility is required to obtain a "permit to construct."

The "permit to construct" process "focuses solely on environmental concerns, unlike the CPCN process which considers the need for and economic cost of a proposed facility." (D.94-06-014, p. 2). As the Commission noted:

PTC applications for power lines need not include a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods (beyond [CEQA] compliance). However, GO 131-D requires PTC applications to: ...Include a description of the proposed facilities and related costs, a map, reasons the route was selected, positions of the government agencies having undertaken review of the project, and a Proponent's Environmental Assessment (PEA).... (D.11-06-011, p. 9.)³

The Commission has authority to review other aspects of a project for

² *Re Rules, Procedures and Practices Applicable to Transmission Lines Not Exceeding 200 Kilovolts* [D.94-06-014] (1994) 55 Cal.P.U.C.2d 87.

³ *Decision Granting the Application of Pacific Gas and Electric Company for a Permit to Construct the Crazy Horse Canyon Switching Station Project* [D.11-06-011] (2011).

which a utility seeks a PTC, but the determination is based on the individual circumstances of the proceeding at issue. (See D.04-12-020, p.2, fn. 2.)⁴ The rehearing applicants failed to make convincing arguments that the Commission should require a CPCN and that the cost and need for the project should be litigated. (See *Administrative Law Judge's Ruling Denying Motion To Amend Scoping Memo And Providing Requested Clarification*, September 17, 2015, pp. 1-2.) The *Assigned Commissioner's Amended Scoping Memo And Ruling*, dated March 17, 2014, found that the rehearing applicants failed to demonstrate why the Commission should deviate from its precedents for review of whether to grant or deny a PTC request.

The Commission's General Order (GO) 131-D, Section I, defines an electric "power line" as one designed to operate between 50 and 200kV. Section III.B of GO 131-D requires utilities to first obtain Commission authorization, in the form of a PTC, before beginning construction of a power line...No party has shown why this application should not be reviewed under the PTC provisions established by D.94-06-014. Under GO 131-D, Section IX.B.1.f, PTC applications for power lines need not include a detailed analysis of purpose and necessity, a detailed estimate of cost and economic analysis, a detailed schedule, or a detailed description of construction methods (beyond that required for compliance with CEQA). (*Id.* on pp. 8-9)

The rehearing applicants are essentially asking the Commission to change the standard for PTC review set forth in General Order 131-D and to apply a different standard, namely the CPCN standard. The Commission disagreed, finding the CNF Project should be reviewed using the PTC standard, as set forth in GO 131-D. (See generally, D.16-05-038, pp. 9-13.) As we noted:

D.94-06-014 implemented the PTC process for the express and exclusive purpose of subjecting projects between 50 kV

⁴*Decision Granting the Application of Pacific Gas and Electric Company for a Permit to Construct the Potrero to Hunters Point 115 kV Cable Project Pursuant to General Order 131-D.* [D.04-12-020] (2004).

and 200 kV (but not those below 50 kV), that were previously exempt from any review under GO 131-C, to environmental review pursuant to CEQA. D.94-06-014 does not revisit the Commission's determination that projects with operating voltages at or below 200 kV should be exempt from a review of project need or project cost pursuant to Section 1005.5, or create a new standard to determine when a project is eligible for exemption from such review. (D.16-05-038, pp. 12.)

Further, the argument is an improper collateral attack on Commission precedent establishing the PTC application requirements (See D.16-05-038, p.12). Collateral attacks of prior Commission decisions, which are final and unappealable, are impermissible. (See Pub. Util. Code, §1709; see also, D.83-04-090, pp. 12-13.) As the Commission noted in D.16-05-038:

Th[e] 200 kV jurisdictional limitation was first stated in Decision (D.) 77301 issued June 3, 1970 when the original GO 131 was adopted. The 200 kV limitation was reaffirmed on February 10, 1976 when D.85446 was issued approving GO 131-A. On August 28, 1979, the Commission issued D.90700 and promulgated GO 131-B. Thus, the Commission on three occasions has considered and approved the 200 kV jurisdictional limitation contained now in GO 131-B.

The time for appeal of any of the above decisions is past. In order to challenge the propriety of any of those decisions it was necessary to have filed a petition for rehearing within 30 days of the decision. (PU Code § 1731.) The filing of a petition for rehearing is a prerequisite for seeking judicial review of the Commission's action. (PU Code § 1731.)

Although complaint may request that a prior proceeding, such as that adopting GO 131-B, be reopened, a collateral attack on a final decision of the Commission is improper. (PU Code § 1709.)

(D.16-05-038, pp. 11-13, citing *H.B Ranches, Inc. vs. Southern California Edison Company* [D.83-04-090] (1983) 11 Cal.P.U.C.2d 400, pp. 12-13.)

Therefore, the Decision correctly rejected the argument that the CNF Projects should be considered under the CPCN standard, and properly reviewed the project under the PTC standard.

B. The CEQA claims have no merit.

The rehearing applicants claim that the Commission violated CEQA by:

(1) improperly shifting project objectives and applying an unduly narrow project purpose; (2) failing to analyze a reasonable range of alternatives; (3) failing to adequately analyze growth inducing effects; (4) failing to adequately analyze cumulative impacts; (5) failing to adequately respond to comments; and (6) failing to make the requisite findings of fact regarding significant environmental impacts; and (7) adopting a statement of overriding considerations without adequate support. (Rehrg. App., pp. 13-32.) These arguments are without merit.

1. The Commission properly adopted project objectives and defined the purpose of the project, based on the record.

Rehearing applicants cite to the EIR/EIS response to a scoping comment letter dated November 7, 2013, provided by Backcountry Against Dumps as evidence of shifting project objectives. The comment letter cited to an excerpt from a research paper titled “The Fire Performance of Steel Utility Poles - Literature and Evaluation” that finds wildfire temperatures may heat the steel of poles to over 500°C, leading to failure by buckling during the fire. The purpose of this report was to demonstrate that wood poles may perform better than steel poles during wildfires. The EIR/EIS determined that the conclusion is not relevant to fire prevention measures – fire hardening.

Rehearing applicants claim that an erratum to the EIR responding to their comments on wood poles illegally shifted the project objectives. This claim has no merit. The Errata stated:

As described in the Final EIR/EIS Section A.4 Purpose and Need (page A-8 to A-10), the purpose of the proposed project is to reduce fire risk associated with SDG&E’s existing electric facilities within and around the CNF through fire hardening of existing facilities. In other words the purpose of the project is to reduce the existing fire risk due to line failure, not to build a power line that is fire proof.

(EIR/EIS, ERRATA #2 January 6, 2016, page 1.)

The Decision correctly considered rehearing applicants' arguments and correctly dismissed them, finding: "...the EIR identifies the reduction of fire risk as a basic project objective (EIR at A-8), and Errata #2 repeats it." (D.16-05-038, p. 34.) Thus, the record contains record evidence that the Commission developed project objectives consistent with CEQA, and sufficiently addressed rehearing applicants' comments regarding the objectives.

2. The Commission analyzed a reasonable range of project alternatives in compliance with CEQA.

Rehearing applicants claim that the EIR/EIS failed to analyze a reasonable range of alternatives. This claim has no merit.

The EIR/EIS for the CNF Project analyzed an extensive list of alternatives that could potentially reduce the significant impacts of the proposed project, while still meeting the basic project objectives. The EIR/EIS correctly explained the legal standards of review, the considerations used for developing the alternatives, and the rationale for why alternatives were rejected for not meeting the project objectives. (Final EIR/EIS Volume 1, Part 1 Section E Comparison of Alternatives Section E.1 Regulatory Requirements for Alternatives Comparison Pages E-1 to E-2.)

As described in the Final EIR/EIS:

[A]lternatives considered in this EIR/EIS include those considered by SDG&E, CPUC, Forest Service, and the Bureau of Indian Affairs (BIA), as well as those identified by the general public and other agencies during the public scoping period. Of the 26 alternatives considered to SDG&E's proposed project, 11 project alternatives along with the No Action and No Project alternatives are carried forward for full analysis in this EIR/EIS. The alternatives screening process for this EIR/EIS (see Section C of the EIR/EIS) culminated in the identification and screening of 17 additional alternatives during scoping to those required under CEQA and NEPA...

(Final EIR/EIS Volume 2, Response to comments from Cleveland National Forest Foundation (CNFF) Document No. D5, pp. D5-12 to D5-14, Response to comment D5-8;

See also Final EIR/EIS Volume 2, Section C.5, pp. C-9 to C-20; and response D6-10 regarding System Alternative 3 and use of a microgrid system, as well as Section C.5.13 of the Final EIR/EIS.)

Accordingly, the EIR certified by the Commission considered various alternatives that were presented by the participants involved in the CEQA review. It analyzed the environmental effects associated with each alternative, and clearly stated the reasons for not carrying the alternatives forward.

3. The EIR appropriately analyzed the Project's growth-inducing effects

Rehearing applicants contend that the EIR/EIS failed to analyze the Project's growth-inducing effects. (Rehrg. App., pp. 22-23.) This contention has no merit.

The Draft EIR/EIS acknowledged that the increased capacity created by the project would remove one possible obstacle to growth of new local renewable generation projects. The Draft EIR/EIS explained that the primary purpose of the project was fire hardening, which includes replacement of decades-old conductors on five 69 kV lines with new conductors that were stronger, more resistant to heat, and heavier than existing conductors. The new conductors, which were the smallest SDG&E standard conductors available, also happen to increase capacity. Recognizing this increased capacity, the Draft EIR/EIS discussed the ways that this characteristic of the project might facilitate other activities that could significantly affect the environment, either individually or cumulatively (e.g., by removing one possible obstacle to growth of new local renewable generation projects). (See Final EIR/EIS Volume 1, Part 1, Section G Required CEQA/NEPA Topics Page G-1 to G-4, which discloses the growth inducing effects of the project.)

The EIR/EIS reviewed all past, current, and reasonably foreseeable projects within the project area, including reasonably foreseeable projects in the CAISO-controlled grid generation queue. Supported by the record, the EIR/EIS concluded that "the increased capacity would not, in and of itself, allow interconnections of or directly

result in any specific new local renewable generation project.” (See EIR/EIS Table F-2; Final EIR/EIS Volume 2, Response to Comment from POC - Response to Comment D6-13, pp. D6-42 to D6-43.)

Thus, the EIR/EIS adequately discusses the project’s possible growth inducing impacts. Accordingly, rehearing applicants’ argument on this issue has no merit.

4. The EIR/EIS appropriately analyzed cumulative impacts.

Rehearing applicants claim that the EIR/EIS contains an inadequate cumulative analysis. (Rehrg. App., pp. 23.) This claim has no merit.

The EIR/EIS presented a reasonable cumulative scenario of approved and pending projects known at the end of the public scoping period for the Draft EIR/EIS. As described in Section F.3 of the EIR/EIS, the geographic extent for the analysis of cumulative impacts associated with the project included the vicinity of all reasonably foreseeable cumulative projects and extended throughout southeastern San Diego County to the Imperial County border – this included 49 projects considered in the cumulative analysis that were known at the conclusion of the public scoping period for the Draft EIR/EIS. (Final EIR/EIS Volume 2, Response to Comments from Back Country Against Dumps (“BAD”) pp. D1-19 to D1-21, Response to Comment D1-24; Response to Comment from POC Page D6-46 Response to Comment D6-17; see also, Final EIR/EIS Volume 1, Part 1, Section F Cumulative Scenario and Impacts pp. F-1 to F-50 which discloses the cumulative effects of the project including reasonably foreseeable projects.)

Thus, the cumulative analysis in the EIR/EIS complied with CEQA (14 CCR 15130). Accordingly, the rehearing applicants’ argument has no merit.

5. The Commission adequately responded to comments on the draft EIR.

The rehearing applicants argue that the EIR/EIS did not adequately respond to comments. (See Rehrg. App., p. 23.) Specifically, they argue that the responses to issues raised by

the rehearing applicants were generally inadequate and conclusory. Their argument lacks merit.

CEQA Guidelines Section 15088(a) requires the Commission to evaluate comments on environmental issues received from persons who reviewed the draft EIR and to prepare a written response. The focus of the responses to comments is on the disposition of significant environmental issues raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines. The EIR/EIS that was adopted and certified by the Commission in D.16-05-038 contained the comment letters submitted by the participants to the CEQA process, and specifically included the responses to environmental issues raised by those comments.

Generally, in an EIR/EIS, detailed responses are provided to comments that raise significant environmental issues. Responses to issues regarding the adequacy of the environmental analysis are addressed by indicating that no further response is necessary. Where changes have been made to the EIR/EIS, no responses are needed where the changes and additions do not raise important new issues about significant effects on the environment. Such changes are insignificant as the term is used in Section 15088.5(b) of the CEQA Guidelines.

The Table contained in Section 1 of Volume 2 of the Final EIR/EIS lists the 35 public comment letter that were received, and where the corresponding responses to all environmental issues raised in these comments are located within the EIR/EIS. A review of the responses in the EIR/EIS demonstrates that EIR/EIS provided adequate responses to comments. (See Volume 2, Responses to Comments, Final EIR/EIS Volume 2, Section 1, pp.1-3.). Thus, rehearing applicants' claims lack merit.

6. D.16-05-038 should be modified to include findings for each significant environmental impact.

Rehearing applicants assert that the Commission failed to make adequate findings, which “record the grounds upon which [the Commission’s] . . . decision rests, [and]... to render its legality reasonably, and conveniently, reviewable on appeal,” and that, “the Commission must include an explanation of the rationale for each finding.”

(Rehrg. App., pp. 24-25.) Specifically, rehearing applicants argue that the Commission failed to explain its findings related to significant impacts, to include a finding for every significant impact, and does not provide enough information to demonstrate that the Commission carried out its duty to mitigate each significant impact.

In the Decision, the Commission incorporated by reference the findings contained in the EIR/EIS and attached the Mitigation, Monitoring, Compliance and Reporting Program (“MMRCP”) to the Decision. (See D.16-05-038, p. 37, Conclusion of Law #1.) Taken together, these documents describe each potentially significant environmental impact and the Commission’s findings about the effectiveness of mitigation measures.

However, to make the Commission’s rationale clearer, D.16-05-038 is modified to specifically include findings regarding the effectiveness of every mitigation measure to address each significant impact associated with the Project based on the findings in the EIR/EIS. The Decision is modified to add these CEQA Findings as Attachment #2. These findings can be found in Attachment A to today’s Order, below. Also, we add Conclusion of Law #5 to the Decision, in order to formally adopt these findings, as set forth in Ordering Paragraph below. Therefore, as modified, rehearing applicants’ argument on this issue is denied as moot.

7. The Commission’s Statement of Overriding Considerations complies with CEQA, but is modified to more explicitly explain the Commission’s findings

Rehearing applicants argue that the Statement of Overriding Consideration contained in the Decision is not adequately supported. (Rehrg. App., pp. 25-32.) The argument lacks merit. However, we modify the Decision’s Statement of Overriding Considerations to include more specific analyses and citations to the record. These modifications are made to the Decision for purposes of clarification - to explicitly incorporate the findings of the EIR and to include a more detailed statement of overriding considerations; the modifications explain the specific reasons that the project was approved despite environmental impacts that could not be reduced to less than significant

levels. The modifications are set forth in the Order, below. With these modifications to D.16-05-038, rehearing applicants' arguments are denied as moot.

C. The Request for Oral Argument should be denied.

Rehearing applicants request oral argument pursuant to Rule 16.3 to address the high cost of the project and significant environmental impacts from temporary construction activities. (Rehrg. App., pp. 33.)

The Commission has complete discretion to determine the appropriateness of oral argument in any particular matter. (See Rule 16.3(a), Cal. Cod of Regs., Tit. §20, 16.3, subd. (a).) The request for oral argument does not meet the requirements specified by the Commission's Rules. The issues raised by rehearing applicants are basic issues that are not of exceptional complexity, and have been addressed by the Commission in previous decisions (see discussion, *supra*). Accordingly, there is no basis to conclude oral argument would benefit disposition of the application for rehearing. Consequently, the request for oral argument should be denied.

D. The motion for stay of D.16-05-038 is denied as moot.

In its motion for stay, Rehearing Applicants ask for a stay pending the resolution of their Application for Rehearing. With the disposition of this rehearing application, the Motion for Stay is now moot. Accordingly, it is denied.

III. CONCLUSION

D.16-05-038 is modified to: (1) add specific findings in the Decision for each distinct environmental impact; and (2) include a more detailed statement of overriding considerations. As modified, rehearing of D.16-05-038 is denied. The motion for stay is denied as moot.

THEREFORE, IT IS ORDERED that:

1. The following modifications should be made to D.16-05-038:
 - a. Conclusion of Law #3 is modified to read as follows:

[As discussed in Section 12, above,] [t]he safety, reliability, economic and environmental benefits of the proposed project (configured as SDG&E's proposed power line replacement with respect to TL625, TL629, TL6923, C79, C78, C442, and C449, and with the additional undergrounding of TL682 and C440 pursuant to the federal preferred alternative; relocation of C157 out of wilderness (City of San Diego Modified Alignment); removal of TL626 and replacement with electric facilities within existing electric utility ROWs, including reconstruction of TL6931 and conversion of 13.3 miles of TL626 to 12 kV; and the partial removal of overland access roads) present overriding considerations that merit its approval, notwithstanding its significant, unmitigable effects on air quality during project construction.

- b. D.16-05-038 should be modified to add the Document entitled:
“CEQA Findings: SDG&E Master Special Use Permit and Permit to Construct Cleveland National Forest Power Line Replacement Projects” as Attachment #2.
- c. Conclusion of Law #5 is added to state:
“The CEQA Findings contained in Attachment #2 represent the Commission’s independent judgement and analysis.”
- d. The following statement of overriding considerations is inserted into Section 12, before the last paragraph on page 31:
The Commission recognizes that significant and unavoidable environmental impacts will result from construction and operation of the Cleveland National Forest Line Replacement Projects, configured as described in the Commission’s Order. Having (1) adopted all feasible mitigation measures; (2) adopted certain alternatives that reduce the impacts of the project; (3) rejected as infeasible alternatives to the project; (4) recognized all significant, unavoidable impacts; and (5) balanced the benefits of the project against its significant and unavoidable impacts, the Commission hereby finds that the benefits outweigh and override the significant unavoidable impacts for the reasons stated

below. Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits and despite each and every unavoidable impact.

- As discussed above, the project will reduce the risk of powerline failure and thereby reduce the risk of wildfires in and around the Cleveland National Forest and power outages caused by powerline failure by replacing wood poles with steel poles. Wood poles, unlike steel poles, are susceptible to deterioration from fire, woodpeckers, termites and weather, and have inherent variability in the material strength properties. (EIR/EIS, Volume 1, pp. D.8-45 to D.8-46, D.8-64 to D.8-65; See also Evidentiary Hearing Reporter's Transcript, November 16, 2015, p. 46, Lines 13-16.)
- Incorporating these fire-hardening activities will also increase service reliability of the existing electric lines within and around the Cleveland National Forest. (SDG&E's Revised Plan of Development, p. 10; See also Evidentiary Hearing Reporter's Transcript, November 16, 2015, p. 41, Lines 11-20.)
- As discussed above, the Forest Service requires the projects as a condition of granting SDG&E an MSUP to continue operating its electric facilities within the Cleveland National Forest. The MSUP would enable SDG&E to continue to operate and maintain its facilities within the Cleveland National Forest subject to uniform use restrictions and conditions. (SDG&E's Revised Plan of Development, p. 9; See also Evidentiary Hearing Reporter's Transcript, November 16, 2015, p. 20, Lines 11-15, p. 23, Lines 3-10, and p. 37, Lines 21-24.)
- The project would also combine over 70 prior use authorizations and easements into one MSUP with uniform conditions and operation and maintenance requirements throughout the Cleveland National Forest. Approval of the MSUP thus provides efficient administration of multiple prior special use authorizations and improved administration of

National Forest System land, reducing administrative costs. (SDG&E's Revised Plan of Development, Attachment D, p. D-1.)

- The project would avoid and minimize potential environmental effects by maximizing use of existing SDG&E electric line alignments and access roads and by following SDG&E's program of environmental compliance practices and protocols. (SDG&E's Revised Plan of Development, p. 11.)
 - The project also includes continued implementation of SDG&E's Natural Community Conservation Plan (NCCP), which includes conservation measures that are applied during site-specific planning to avoid, minimize, or mitigate negative long-term effects on species and habitat. In addition, the "Pre-Activity Survey Report" process set forth in the NCCP ensures coordination with the USFWS and CDFW resource specialists in the identification of relevant design criteria. (SDG&E's Revised Plan of Development, Attachment D, p. D-3.)"
2. Rehearing of D.16-05-038, as modified, is hereby denied.
 3. The motion to stay D.16-05-038 is denied as moot.
 4. The proceeding, Application 12-10-009, is hereby closed.
- Dated September 13, 2018, at San Francisco, California.

MICHAEL PICKER
President
CARLA J. PETERMAN
LIANE M. RANDOLPH
MARTHA GUZMAN ACEVES
CLIFFORD RECHTSCHAFFEN
Commissioners