

Decision 18-08-021 August 23, 2018

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U338) for a Permit to Construct Electrical Facilities: Cerritos Channel Transmission Tower Replacement Project.

Application 18-02-002

DECISION GRANTING PERMIT TO CONSTRUCT THE CERRITOS CHANNEL TRANSMISSION TOWER REPLACEMENT PROJECT

Summary

This decision grants Southern California Edison Company a permit to construct the Cerritos Channel Transmission Tower Replacement Project (Proposed Project),¹ consisting of

- Removal of two approximately 5,000- foot segments of 220 kilovolt (kV) transmission lines;
- Replacing and raising six approximately 1,400-foot segments of 60 kV sub transmission lines;
- Replacing and raising one approximately 3,400-foot segments of 12 kV distribution line;

¹ The title of the Final Environmental Impact Report (FEIR) that analyzes the Proposed Project is "Southern California Edison's Transmission Tower Replacement Project," and is available through the Port of Long Beach's website at: www.polb.com/environment/docs.asp

- Removing 12 lattice towers ranging in height from 200 to 300 feet;
- Installing three lattice towers ranging in height from 200 to 400 feet and four tubular steel poles ranging in height from 150 to 175;
- Looping in the Lighthipe-Long Beach 220 kV transmission lines to Harbogen Substation to create the new Lighthipe-Harbogen 220 kV line
- Removing 220 kV transmission line facilities and substation equipment and de-commissioning the 220 kV Long Beach Substation;
- Replacing and raising one approximately 5,000-foot segment of fiber warp telecommunication cable with new ADSS/OPGW telecommunications cable and ground wire; and
- Removing, modifying or abandoning existing underground utilities located in proximity to the existing and proposed tower locations.²

1. Proposed Project – Description and Purpose

The Port of Long Beach (Port) is currently replacing the aging Gerald Desmond Bridge, which crosses the Back Channel between Pier D and Pier S/Terminal Island, just south of the Long Beach Generating Station. One of the objectives for replacing the Gerald Desmond Bridge is to provide sufficient vertical clearance for safe navigation of larger container ships through the Back Channel to the Inner Harbor. The power lines (conductors) that cross the Cerritos Channel to the north of the bridge need to be raised to provide the additional vertical clearance necessary for larger ships. The purpose of the Proposed Project is to (1) provide adequate vertical conductor clearance of at

² FEIR at ES-1.

least 205 feet plus required safety clearance above mean high water level (MHWL) to accommodate the passage of larger ships along the Cerritos Channel and (3) reduce the potential for SCE's facilities near the Cerritos Channel to conflict with ongoing harbor operations.³

The City of Long Beach, acting through its Board of Harbor Commissioners, has prepared and certified the FEIR for the Proposed Project as required under the California Environmental Quality Act (CEQA)⁴ to analyze potential environmental impacts associated with implementation of the Proposed Project.

The estimated cost of the Proposed Project is \$133 million (2018 dollars).⁵ Construction of the Proposed Project is scheduled to begin September 1, 2018 and to be completed by the fourth quarter of 2020.

Commission General Order (GO) 131-D requires applications for a permit to construct to be accompanied either by a Proponent's Environmental Assessment (PEA) or by PEA-equivalent information.⁶ In this instance, SCE has chosen to rely on the FEIR for the Transmission Tower Replacement Project, issued by the Port of Long Beach in November 2017 and certified on December 11, 2017 as the source of environmental information presented in the application, as authorized by GO 131-D, Section IX.B.

³ *Ibid.*, at 1-7.

⁴ Public Res. Code § 21000, *et seq.*

⁵ This is a conceptual estimate, prepared in advance of final engineering and prior to CPUC approval. Pension and benefits, administrative and general expenses, and AFUDC (allowance for funds used during construction) are excluded from this estimate.

⁶ GO 131-D, Section IX.B.1.e.

2. Permitting and Environmental Review Background

Pursuant to GO 131-D, SCE may not proceed with construction of electric power line facilities which are designed for operation at voltage between 50 kV and 200 kV without the Commission having issued a permit to construct, which shall be granted upon the Commission's determination that the project complies with CEQA and with the Commission's policies requiring the use of low-cost and no-cost measures to mitigate electric and magnetic field (EMF) effects.

CEQA requires the lead agency (the Port in this case) to conduct a review to identify the environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project, a project alternative, or no project. If (as is the case here) the initial study determines that the proposed project will have potentially significant effects, the lead agency shall prepare an Environmental Impact Report (EIR) that identifies the environmental impacts of the proposed project and alternatives, designs a recommended mitigation program to reduce any significant impacts, and identifies, from an environmental perspective, the preferred project alternative. If the agency approves the project, it must require the environmentally superior alternative and identified mitigation measures, unless they are found to be infeasible. The lead agency may not approve a project that has significant and unavoidable environmental impacts unless it determines that there are overriding considerations that merit project approval despite its environmental impacts.

CEQA also requires the Responsible Agency (in this case, the Commission) to do the following before adopting the conclusions of the Lead Agency and issuing a PTC:

- Consider the environmental effects identified in the EIR of the part of the project that is before the CPUC for its approval. (CEQA 15096(f).)
- Adopt the identified mitigation measures within the CPUC's jurisdiction that avoid or mitigate the part of the project that the CPUC approves (CEQA 15091(a)(2), 15096(g)(1)), unless
 - The changes/alterations are infeasible for specific economic, legal, social, technological, or other considerations. (CEQA 15091(a)(3).)
- Adopt any additional feasible mitigation measures within the CPUC's powers that would lessen or avoid impacts (CEQA 15096(g)(2).)
- Balance the unavoidable impacts against identified specific economic, legal, social, technological or other benefits (CEQA 15093, per CEQA 15096(h).)
- File a Notice of Determination with the CEQA Clearinghouse certifying that the CPUC has considered the environmental document. (CEQA 15096(i).)

As part of the process of adopting the conclusions of the EIR, the Commission took all of the above required steps. In addition, with regard to the possible implications of the proposed construction on electromagnetic field (EMF) radiation, this decision directs SCE to implement low-and-no cost measures to mitigate EMF emissions, as required by GO 131-D, Section X.A.

3. Procedural Background

SCE filed the application and supporting documents on February 1, 2018. There were no protests to the application. The City of Long Beach filed a response supporting the application. A prehearing conference was held on

June 26, 2018 and the Assigned Commissioner issued a Scoping Memo on July 23, 2018.

4. Scope of Issues

The assigned Commissioner's scoping memo determined the following issues to be within the scope of the proceeding.

1. Will the Proposed Project create significant environmental impacts?
2. Are there potentially feasible mitigation measures or project alternatives that will eliminate or lessen the significant environmental impacts?
3. As between the Proposed Project and identified project alternatives, which is environmentally superior?
4. Are the mitigation measures or project alternatives infeasible?
5. To the extent that the Proposed Project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the Proposed Project or project alternative?
6. Was the EIR completed in compliance with CEQA, did the Commission review and consider the EIR prior to approving the Proposed Project or a project alternative, and does the EIR reflect the Commission's independent judgment?
7. Are the Proposed Project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

(Scoping Memo and Ruling, July 23, 2018, at 2.)

The scoping memo further determined that the above issues are adequately addressed in the FEIR and the Commission's review of this matter so that no evidentiary hearings or further evidence is needed in this case.

5. Project Alternatives

An EIR must identify the significant adverse impacts of the proposed project, as well as a reasonable range of alternatives to a proposed project that feasibly attains most of the basic project objectives but avoids or substantially lessens any of the significant effects of the project. (CEQA Guidelines § 15126.6.)

The FEIR fully evaluated the Proposed Project as well as two alternatives, the Under Cerritos Channel Alternative and the No Project Alternative. Three other alternatives were considered but rejected from further consideration because they were found to be infeasible or would not reduce potentially significant impacts of the Proposed Project. These include:

- Build adjacent taller towers and remove conductors from existing towers;
- Raise existing towers to accommodate a 205-foot vertical clearance; and
- Reroute the 12 kV and 66 kV overhead conductors along the western Harbor Department boundary and across the Cerritos Channel via the Schuler Helm Bridge to the Dock Substation on Terminal Island.

6. Environmental Impacts

The FEIR determined that the CEQA-required No Project Alternative is the only alternative that would not result in new environmental impacts. The FEIR determined that the Proposed Project and the Under Cerritos Channel Alternative would have environmental impacts in one or more resource areas under CEQA, as identified below.

6.1. Proposed Project

The Proposed Project would have significant and unavoidable impacts on air quality (construction-related short-term emissions of nitrous oxide (NO_x), and diesel particulate matter (DPM) above criteria pollutant thresholds), historical

resources, and noise. Mitigation measures designed to reduce these impacts are summarized in Table ES-9 of the FEIR. The Proposed Project would not have any other significant impacts that cannot be mitigated to a less-than-significant level.

6.2. Under Cerritos Channel Alternative

The Under Cerritos Channel Alternative would relocate the 12 kV and 66kV conductors so that rather than spanning the Cerritos Channel they would be placed beneath the channel. As with the Proposed Project, the 220 kV transmission lines (towers and conductor) between the Long Beach Substation and the Harbogen Substation would be removed. Tower foundations would be removed, except for the in-water foundations, as would the 66 kV transmission lines and some, but not all, of the related in-water foundations. Horizontal Direct Drilling (HDD) would be employed to locate the 66 kV and 12 kV conductors beneath the Cerritos Channel.

This alternative would result in reduced noise impact, compared with the Proposed Project, because of a reduction in the number of helicopter trips required during construction, but would also result in higher total NO_x and DPM emissions because of a longer construction schedule.

6.3. No Project Alternative

By federal law, the power lines crossing the Cerritos Channel are prohibited from obstructing navigation. Therefore, if the Gerald Desmond Bridge is rebuilt to allow taller ships to traverse the channel, the existing power lines must be removed or raised by some means other than the Proposed Project. The No Project Alternative considered the predictable scenario of SCE removing the existing conductor crossing the Cerrito Channel. In accord with Commission

GO 95, Rule 31.6, Abandoned Lines, the existing transmission towers would also be removed and conflicting third-party utilities would be relocated.

The major difference between the No Project Alternative and the Proposed Project is that the lack of new tower construction would reduce the total amount of construction required for the No Project Alternative. Use of off-road equipment and helicopters would also be substantially reduced.

7. Environmentally Superior Alternative

The FEIR finds that, as the only alternative that would not result in new environmental impacts, the No Project Alternative is the environmentally superior alternative under CEQA.

CEQA Guidelines § 15126(d)(2) stipulate that, “if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Based on the comparison of the environmental impacts of the alternatives as summarized above, the FEIR identifies the environmentally superior alternative other than the No Project Alternative as the Proposed Project.

8. Certification of the FEIR

The EIR was completed after notice and opportunity for public comment on the scope of the environmental review. The final EIR was released in November 2017 and certified by the Port on December 11, 2017.

We have reviewed and considered the information contained in the FEIR. We find that substantial evidence supports the FEIR’s findings and conclusions and we adopt them for the purposes of this Decision and Order.

9. Infeasibility of Environmentally Superior Alternative

Where construction of a project alternative would have significant environmental effects, the Commission may not approve the project without the

mitigation identified to reduce those effects to a less-than-significant level unless the Commission finds that the identified mitigation or project alternative is infeasible for specific economic, legal, social, technological or other considerations. (CEQA Guidelines § 15091(a)(3).)

We find that the environmentally superior alternative is infeasible because adoption of the environmentally superior alternative would leave unresolved how SCE would continue to supply power to the area if it could go neither under nor over the channel.

10. Electric and Magnetic Field

The Commission has examined EMF impacts in several previous proceedings, concluding that the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs.⁷ Therefore, the Commission has not found it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and the determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A, that all requests for a PTC include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the proposed project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures

⁷ See D.06-01-042 and D.93-11-013.

implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is 4% of the total budgeted project cost that results in an EMF reduction of at least 15% (as measured at the edge of the utility ROW).

SCE has filed a Magnetic Field Management Plan, Appendix A to the application. The document details the EMF measures for the proposed project and the environmentally superior project, respectively. These measures include the following no cost options:

- Removing 5 strands of double-circuit 220 kV transmission lines;
- Using structure heights that meet or exceed SCE's preferred design criteria; and
- Consolidating 66 kV lines from multiple structures onto a single structure.

In addition to the no cost options described above, SCE proposes a single low cost option, namely, arranging conductors of sub-transmission and distribution lines for magnetic field reduction.

We find that this design uses no cost and low cost mitigation measures in compliance with the Commission's EMF decisions.

11. Waiver of Comments Period

Pursuant to Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission waives public review and comment on this decision extending the deadline for resolving the proceeding.

12. Assignment of Proceeding

Carla J. Peterman is the assigned Commissioner and Karl J. Bemesderfer is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Proposed Project would have significant and unavoidable impacts on air quality (construction-related short-term emissions of NO_x, and DPM above

criteria pollutant thresholds), historical resources, and noise. Other impacts either would not be adverse or could be mitigated to less than significant.

2. The environmentally superior alternative to the proposed project under CEQA is the No Project Alternative. The environmentally superior alternative would reduce the impact to historical resources and noise but would not reduce the significant short-term air quality impacts due to construction related emissions of NO_x and DPM above criteria pollutant thresholds.

3. The No Project Alternative does not provide electricity service to the area.

Conclusions of Law

1. The FEIR was completed in compliance with CEQA and reflects the Commission's independent judgment and analysis on all material matters.

2. The environmentally superior alternative configuration of the No Project Alternative is infeasible to the extent that adoption of the environmentally superior alternative would leave unresolved how SCE would continue to supply power to the area if it could go neither under nor over the channel.

3. The safety, reliability, economic and environmental benefits of the Proposed Project present overriding considerations that merit its approval, notwithstanding its significant, unmitigable effects on air quality during project construction.

4. SCE's Field Management Plan is consistent with the Commission's EMF policy for implementing no-cost and low-cost measures to reduce potential EMF impacts.

O R D E R

IT IS ORDERED that:

1. Southern California Edison Company is granted a permit to construct the Cerritos Channel Transmission Tower Replacement Project.

2. The Commission's Energy Division may approve requests by Southern California Edison Company (SCE) for minor project refinements that may be necessary due to final engineering of the project, so long as such minor project refinements are located within the geographic boundary of the study area of the Final Environmental Impact Report (FEIR) and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the FEIR; conflict with any mitigation measure or applicable law or policy; or trigger an additional permit requirement. SCE shall seek any other project refinements by a petition to modify today's decision.

3. Application 18-02-002 is closed.

This order is effective today.

Dated August 23, 2018, at San Francisco, California.

MICHAEL PICKER

President

CARLA J. PETERMAN

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

Commissioners