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

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| **Communications Division** | RESOLUTION T-17662 |
| **Broadband, Video, and Market Branch**  | **August 15, 2019**  |

**RESOLUTION**

**Resolution T-17662: Authorizing the release of California Advanced Services Fund grant monies to** **MCC Telephony of the West, LLC (U-7017-C) to construct the Kernville Interconnect Project (Inyokern-to-Onyx) Mediacom Fiber Optic Project; and approving the Initial Study Negative Declaration prepared in compliance with the California Environmental Quality Act for the Kernville Interconnect Project.**

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1. **SUMMARY**

This Resolution authorizes the release of California Advanced Services Fund (CASF) grant funding to MCC Telephony of the West, LLC (MCC) to construct the Kernville Interconnect Project (Inyokern-to-Onyx) Mediacom Fiber Optic Project (Project). This Resolution also approves the Initial Study Negative Declaration (IS/ND) prepared in compliance with the California Environmental Quality Act (CEQA)[[1]](#footnote-1) for MCC’s Project. This Resolution finds that, with the incorporation of the project’s operational activities and design elements listed in the IS/ND, the project will have no significant effects on the environment.

1. **BACKGROUND**

On September 10, 2009, the Commission adopted Resolution T-17221, authorizing a CASF grant of $285,992 to MCC to construct the Project, subject to the Commission’s completion of CEQA review.

The Kernville Interconnect Project is located in Kern County, and will provide much needed bandwidth for Mediacom (a MCC subsidiary), a franchise cable company providing cable television and high-speed Internet service from the Ridgecrest system in Inyokern to a connection location for the Lake Isabella system in the community of Onyx. The Project would serve the communities within the Kern River Valley in northern Kern County.

MCC plans to install armored loose-tube fiber optic cable along State Route (SR) 178 between its Ridgecrest and Lake Isabella systems. This build will allow MCC to deliver more reliable Internet service at higher speeds to unserved homes, businesses and institutions in the Lake Isabella system.

Resolution T-17221 specifies that: “*The Commission can neither approve nor disburse the first 25% payment and MCC cannot conduct ground breaking activities until, pursuant to the California Environmental Quality Act (CEQA), the Commission’s CEQA review is complete.*”[[2]](#footnote-2)

This Resolution T-17662 finds that the CEQA review is complete, adequate for decision-making purposes, represents the Commission’s independent judgement, and satisfies the conditions for environmental review specified in Resolution T-17221.

1. **Environmental compliance DISCUSSION**

As the lead agency under CEQA, the California Public Utilities Commission prepared an Initial Study/Negative Declaration for the Project. The Draft IS/ND was completed by the grantee’s consultant with guidance from Energy Division Staff and published for public comment on January 7, 2019. The comment period ran for 30-days and the Final IS/ND in response to those comments was prepared in late May 2019.

The proposed project consists of the installation of fiber-optic cable for approximately 32.4 miles from its current Ridgecrest system connection location in Inyokern to a connection location in Onyx. The proposed project includes the installation of 17 vaults and two aerial splice cases for cable splice points and cable route identification markers.

The project sitetraverses towards the west from the unincorporated community of Inyokern located in the Mojave Desert in eastern Kern County to the unincorporated community of Onyx located in the southern Sierra Nevada Mountains in the Kern River Valley area in Kern County. The majority of the project site consists of vacant land within the Right-of-Way (ROW) or in prescriptive areas adjacent to State Route 178 and State Route 14 that have been cleared, graded, and maintained.

The 32.4 mile cable installation primarily will be underground, with plowing or directional boring processes in the ROW, prescriptive areas adjacent to SR 178 and SR 14, and at four boring locations underneath the road. Exceptions to this include:

* cable installed on seven new Mediacom-owned utility poles that pass the cable over two LADWP Los Angeles Aqueducts;
* cable installed on Southern California Edison (SCE) poles in an existing utility easement and/or 25-foot Bureau of Land Management (BLM) License Agreement Area outside the Caltrans ROW;
* cable installed over Canebrake Creek where cable would be attached to the bridge; and
* cable installed under the roadbed for a section of the route with steep topography where Caltrans restricts new utility poles.

The proposed project would include fifteen applicant-proposed operational activities and design elements to address potential effects to the existing environment. With the incorporation of these measures into the proposed project, the Initial Study/Negative Declaration found that no significant impact would occur to the potential environmental issues analyzed. The fifteen operational activities and design elements are incorporated into the Negative Declaration.

The CPUC released a Notice of Intent to Adopt a Draft Initial Study/Negative Declaration (Draft IS/ND) for the proposed project on January 7, 2019 (State Clearinghouse No. 2019011006). The public comment period for this document was January 7, 2019, to February 6, 2019. Following the end of the public comment period, Commission Staff reviewed responses to all comments on the Draft IS/ND and revised the document as needed. The Final IS/ND for the MCC Kernville Interconnect Mediacom Fiber Optic Project was served to commenting agencies 10 days prior to the CPUC taking action on the Project and is available on the project website at:

<http://www.cpuc.ca.gov/environment/info/mediacom_inyokern/index.html>

The Commission reviewed MMC’s Kernville Interconnect Project Final IS/ND and finds that the project will have no significant effects on the environment. The Commission finds that the contents of the Final IS/ND and the procedures to prepare, publicize, and review comply with CEQA. The Final IS/ND correctly analyzes and identifies the potential impacts of the project with the implementation of the project operational activities and design elements incorporated therein.

1. **Release of casf funds**

Resolution T-17221 awarded MCC a CASF grant of $285,992 to construct the Kernville Interconnect Project contingent on compliance with applicable environmental requirements.[[3]](#footnote-3) Given the Commission Staff’s conclusions as discussed in the prior section, MCC has satisfied the CEQA Compliance Requirements stated in Resolution T-17221. Therefore, the Commission authorizes the release of CASF grant funds for the construction of the Kernville Interconnect Project, in accordance with the scope and budget specifications provided in Resolution T-17221.

1. **Safety impact**

The Kernville Interconnect Project will increase service reliability and improve safety because it will create a dedicated fiber optic facility for communication flows between the communities in the wider region, greatly improving access and service while minimizing the chance of service interruption.

1. **Comments on Draft Resolution**

In compliance with Public Utilities Code, §311(g), a notice letter was emailed on July 29, 2019, informing all parties on the CASF Distribution List of the availability of the draft of this Resolution for public comments at the Commission’s documents website at <http://www.cpuc.ca.gov/documents/>. This letter also informed parties that the final conformed Resolution adopted by the Commission will be posted and available at the same website. The Commission received no public comments.

1. **findings**
2. Resolution T-17221 (adopted September 10, 2009) conditionally authorized a CASF grant of $285,992 to MCC to construct the Kernville Interconnect Project, subject to the Commission’s completion of CEQA review.
3. As the lead agency under CEQA, the CPUC prepared an IS/ND for the Kernville Interconnect Project.
4. The MCC Kernville Interconnect Project Final IS/ND (SCH No. 2019011006) is complete and in compliance with CEQA. Further, it is adequate for the Commission’s decision-making purposes.
5. The proposed project would have no significant effects on the environment.
6. MCC will implement the fifteen operational activities and design elements specified in the ND as conditions of project approval.
7. The Final IS/ND reflects the Commission’s independent judgment and analysis on the issues addressed by the IS/ND.
8. With the adoption of this Resolution, MCC satisfies the conditions required to release funds for the construction of the Kernville Interconnect Mediacom Fiber Optic Project, as set forth in Resolution T-17221.
9. MCC must comply with all provisions in Resolutions T-17662.

A notice letter was e-mailed on July 29, 2019, informing all parties on the CASF distribution list of the availability of the draft of this Resolution for public comments at the Commission’s website <http://www.cpuc.ca.gov/documents/>. This letter also informed parties that the final confirmed Resolution adopted by the Commission will be posted and available at this same website. The Commission received no public comments.

**Therefore it is ordered that:**

1. The Commission authorizes $285,992 in CASF grant funds to be released for the construction of the Kernville Interconnect Project, in accordance with the scope, budget specifications, and payment guidelines provided in Resolution T-17221.
2. MCC shall comply with all guidelines, requirements, and conditions specified in D.12-02-015, D.14-02-018, Resolution T-17221 and this Resolution. If MCC fails to complete the project in accordance with the terms of approval, MCC must reimburse some or all of the CASF funds that it has received.
3. The Final Negative Declaration for the Project is adequate for the Commission's decision-making purposes and is hereby adopted pursuant to the California Environmental Quality Act Guidelines and the Public Resources Code.
4. The Energy Division may approve requests by Mediacom 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 Negative Declaration and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified less-than-significant impact based on the criteria used in the environmental document; conflict with any applicable operational activity, design element, law or policy; or trigger an additional discretionary permit requirement. Mediacom shall seek any other project refinements by a petition to modify this decision.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The following Commissioners approved it:

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ALICE STEBBINS

 Executive Director

1. Section 21000 et seq. of the California Public Resources Code [PRC]) and the State CEQA Guidelines (Title 14, Sectio n 15000 et seq. of the California Code of Regulations [14 CCR 15000 et seq]. [↑](#footnote-ref-1)
2. Resolution T-17221, p. 4 & 6. [↑](#footnote-ref-2)
3. Resolution T-17221, p. 6, Finding Nos. 12 and 13. [↑](#footnote-ref-3)