

ATTACHMENT A

Proposed Revisions to General Order 131-D

to Reflect

Senate Bill 529 (Hertzberg, 2022)

(REDLINES)

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RULES RELATING TO THE PLANNING AND CONSTRUCTION OF ELECTRIC GENERATION, TRANSMISSION/POWER/DISTRIBUTION LINE FACILITIES AND SUBSTATIONS LOCATED IN CALIFORNIA.

Adopted June 8, 1994. Effective July 8, 1994 Decision
94-06-014
Modified August 11, 1995. Effective September 10, 1996.
Decision 95-08-038
Modified XXX

SECTION I. GENERAL

Pursuant to the provisions of Sections 451, 701, 702, 761, 762, 768, 770, and 1001 of the Public Utilities Code:

IT IS HEREBY ORDERED that except as specifically provided herein, no electric public utility, now subject, or which hereafter may become subject, to the jurisdiction of this Commission, shall begin construction in this state of any new electric generating plant, or of the modification, alteration, or addition to an existing electric generating plant, or of electric transmission/power/distribution line facilities, or of new, upgraded or modified substations without first complying with the provisions of this General Order.

For purposes of this General Order, a transmission line is a line designed to operate at or above 200 kilovolts (kV). A power line is a line designed to operate between 50 and 200 kV. A distribution line is a line designed to operate under 50 kV. An “existing electrical transmission facility” means existing, operational electrical infrastructure and does not include property under utility control upon which no electrical infrastructure is currently located.

SECTION II. PURPOSE OF THIS GENERAL ORDER

The Commission has adopted these revisions to this General Order to be responsive to:

- the requirements of the California Environmental Quality Act (CEQA) and Senate Bill No. 529 (Hertzberg), 2022. (Public Resources (Pub. Res.) Code§ 21000 et seq.);
- the need for public notice and the opportunity for affected parties to be heard by the Commission
- the obligations of the utilities to serve their customers in a timely and efficient manner; and
- the need to replace the present complaint treatment of under-200-kV projects with a new streamlined review mechanism

SECTION III. NEED FOR COMMISSION AUTHORIZATION

For purposes of this General Order, construction does not include any installation of environmental monitoring equipment, or any soil or geological investigation, or work to determine feasibility of the use of the particular site for the proposed facilities, which do not result in a serious or major disturbance to an environmental resource.

A. Certificate of Public Convenience and Necessity (CPCN)

No electric public utility shall begin construction in this state of any new electric generating plant having in aggregate a net capacity available at the busbar in excess of 50 megawatts (MW), or of the modification, alteration, or addition to an existing electric generating plant that results in a 50 MW or more net increase in the electric generating capacity available at the busbar of the existing plant, or of major electric transmission line facilities which are designed for immediate or eventual operation at 200 kV or more (except for the replacement of existing power line facilities or supporting structures with equivalent facilities or structures, the minor relocation of existing power line facilities, the conversion of existing overhead lines to underground, or the placing of new or additional conductors, insulators, or their accessories on or replacement of supporting structures already built) without this Commission's having first found that said facilities are necessary to promote the safety, health, comfort, and convenience of the public, and that they are required by the public convenience and necessity.

Compliance with Section III.A is not required for: an extension, expansion, upgrade, or other modification to existing electrical transmission facilities, including electric transmission lines and substations. Compliance with Section III.B, herein, is required for these facilities. A utility may file a permit-to-construct application or claim an exemption under Section III(B) for these facilities.

B. Permit to Construct

No electric public utility shall begin construction in this state of any electric power line facilities or substations which are designed for immediate or eventual operation at any voltage between 50 kV or 200 kV or new or upgraded substations with high side voltage exceeding 50 kV without this Commission's having first authorized the construction of said facilities by issuance of a permit to construct in accordance with the provisions of Sections IX.B, X, and XI.B of this General Order. An upgraded substation is one in which there is an increase in substation land area beyond the existing utility-owned property or an increase in the voltage rating of the substation above 50 kV. Activities which increase the voltage of a substation to the voltage for which the substation has been previously rated are deemed to be substation modification projects and not substation upgrade projects.

1. Compliance with Section IX.B is not required for:

- a. power line facilities or substations with an in-service date occurring before January 1, 1996, which have been reported to the Commission in accordance with the Commission's decision adopting GO 131-D.
- b. the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.
- c. the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.
- d. the conversion of existing overhead lines to underground.
- e. the placing of new or additional conductors, insulators, or their accessories on supporting structures already built.
- f. power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.

- g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts.
 - ~~a. the construction of projects that are statutorily or categorically exempt pursuant to § 15260 et seq. of the Guidelines adopted to implement the CEQA, 14 Code of California Regulations § 15000 et seq. (CEQA Guidelines).~~
 - ~~b. However, notice of the proposed construction of such facilities must be made in compliance with Section XI.B herein except that such notice is not re- quired for the construction of projects that are statutorily or categorically exempt pursuant to CEQA Guidelines.~~ If a protest of the construction of facilities claimed by the utility to be exempt from compliance with Section IX.B is timely filed pursuant to Section XIII, construction may not commence until the Executive Director or Commission has issued a final determination.
2. The foregoing exemptions shall not apply when any of the conditions specified in CEQA Guidelines § 15300.2 exist:
- a. there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
 - b. the cumulative impact of successive projects of the same type in the same place, over time, is significant; or
 - c. there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

C. Electric Distribution Lines and Other Substations

The construction of electric distribution (under 50 kV) line facilities, or substations with a high side voltage under 50 kV, or substation modification projects which increase the voltage of an existing substation to the voltage for which the substation has been previously rated within the existing substation boundaries, does not require the issuance of a CPCN or permit by this Commission nor discretionary permits or approvals by local governments. However, to ensure safety and compliance with local building standards, the utility must first communicate with, and obtain the input of, local authorities regarding land use matters and obtain any non-discretionary local permits required for the construction and operation of these projects.

SECTION IV. UTILITY REPORT OF LOADS AND RESOURCES

Every electric public utility required to submit a report of loads and resources to the California Energy Commission (CEC) in accordance with Section 25300 et seq. of the Public Resources Code shall also furnish six copies of its report to the Public Utilities Commission.

SECTION V. UTILITY REPORT OF PLANNED TRANSMISSION/ POWER LINE, AND SUBSTATION FACILITIES

Every electric public utility shall annually, on or before March 1, furnish to the Commission's ~~Advisory and Compliance~~ Energy Division (Energy Division) ~~(CACD) for its review three (3) copies of~~ a fifteen-year 15 forecast of planned transmission facilities of 200 kV or greater and a five-year (5) forecast of planned power line facilities and substations of between 50 kV and 200 kV.

A. The report shall include:

1. A list of transmission, power lines, and substations, arranged in chronological order by the planned service date, for which a CPCN or a permit to construct has been received, but which have not yet been placed in service.
2. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which proposed route or corridor reviews are being undertaken with governmental agencies or for which applications have already been filed.
3. A list of planned transmission, power lines, and substations of 50 kV or greater or planning corridors, arranged in chronological order by the planned service date, on which planning corridor or route reviews have not started, which will be needed during the forecast periods.

B. For each transmission or power line route, substation, or planning corridor included in the above lists, the following information, if available, shall be included in the report:

1. Planned operating date.
2. Transmission or power line name.
3. The terminal points (substation name and location).
4. Number of circuits.
5. Voltage - kV.
6. Normal and emergency continuous operating ratings - MVA.
7. Length in feet or miles.
8. Estimated cost in dollars as of the year the report is filed.
9. Cities and counties involved.
10. Other comments.

SECTION VI. UTILITY REPORT OF INFORMATION REGARDING FINANCING OF NEW ELECTRIC GENERATING AND TRANSMISSION CAPACITY

Every electric public utility shall biennially, on or before June 1 of every odd numbered year, furnish a report to the Commission of the financial information designated in Appendix A hereto; provided however, that no public utility shall be required to submit such financial information if such utility does not plan for a fifteen-year (15) period commencing with the year in which the financial information is to be filed to (1) construct within the State of California any new electric

generating plant having in the aggregate a net capacity in excess of 50 MW, or (2) modify, alter, or add to any existing electric generating plant that results in a 50 MW, or more, net increase in the electric generating capacity of an existing plant within the State of California, or (3) construct in California any electric transmission line facilities which are designed for immediate or eventual operation at any voltage in excess of 200 kV (except for the replacement or minor relocation of existing transmission line facilities, or the placing of additional conductors, insulators or their accessories on, or replacement of, supporting structures already built).

SECTION VII. ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

If an electric public utility proposes to construct electric generating and related transmission facilities which are subject to the power plant siting jurisdiction of the CEC as set forth in Section 25500 et seq. of the Public Resources Code, it shall comply with the following procedure:

- A. In accordance with Public Resources Code Section 25519(c) and Public Utilities Code Section 1001, ~~the~~ CEQA, and this Commission's Rules of Procedure No. ~~17.4~~ 2.4 and 2.5 do not apply to any application filed pursuant to this section.
- B. Upon acceptance of an electric utility's Notice of Intent (NOI) filing by the CEC, the utility shall mail six copies of the NOI to the Executive Director of this Commission.
- C. When an electric utility files with the CEC an application for a certificate to construct (AFC) an electric generating facility pursuant to Section 25519 of the Public Resources Code and any AFC regulations of the CEC, it shall mail six copies of the AFC, including six copies of the CEC's Final Report in the NOI proceeding for the facility, to the Executive Director of this Commission.
- D. No later than 30 days after acceptance for filing of the AFC referred to above in Subsection C, the utility shall file with this Commission an application for a CPCN. The application shall comply with this Commission's Rules of Practice and Procedure ~~specifically Rules 2 through 8, 15, and 16~~ and shall include the data and information set forth in Appendix B hereto. In complying with this provision, the utility may include portions of the CEC's Final Report in its NOI proceeding by attaching such portions as an appendix to its application filed with this Commission. The utility may also include portions of the AFC filed with the CEC by reference. A copy of the application shall be mailed to the CBC and to every person, corporation, organization, or public agency that has intervened in the CEC's AFC proceeding.
- E. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, any public hearings which are necessary may be held on the application while the utility's AFC application is under process.

before the CEC. The Commission may issue an interim decision on the application before the issuance by the CEC of a final decision in the AFC proceeding. However, any such interim decision shall not be final and shall be subject to review after the CBC issues its final decision in the AFC proceeding as prescribed in Public Resources Code Sections 25522 and 25530.

- F. No later than 30 days after issuance of a certificate by the CEC in a final decision in the utility's AFC proceeding in accordance with Public Resources Code Sections 25209, 25522, and 25530 the Commission shall issue a decision on the application for a CPCN from this Commission, unless a later date for issuance of the decision is mutually agreed to by the Commission and the applicant, or is necessitated by conditions under Paragraph G.
- G. In the event that the CEC's certificate in the AFC proceedings sets forth requirements or conditions for the construction of the proposed electric generating facility which were not adequately considered in the proceeding before the Commission, and which will have a significant impact on the economic and financial feasibility of the project, or the rates of the utility, or on utility system reliability, the utility, or Commission staff, or any party, may request that the Commission hold a public hearing on such implications. Any such hearing, if granted, shall be initiated no later than 30 days after the filing of any such request. It is the intent of this Commission that a final decision shall be issued within 90 days after conclusion of the hearing, if held.
- H. In the event that judicial review of the CEC's issuance of a certificate in the AFC proceeding is sought in any court, the utility shall immediately notify this Commission and include a copy of the court filing.

SECTION VIII. ELECTRIC GENERATING FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

An electric public utility proposing to construct in this state new generation facilities in excess of 50 MW net capacity, available at the busbar or proposing to modify an existing generation facility in this state in order to increase the total generating capacity of the facility by 50 MW or more net capacity available at the busbar, shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period for exceptional circumstances.

- A. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure, specifically Rules 2 through 8, 15, and 16. In addition, it shall include or have attached to it the following:
 - 1. The information and data set forth in Appendix B.
 - 2. A statement of the reasons why and facts showing that the completion and operation of the proposed facility is necessary to promote the safety, health, comfort, and convenience of the public.
 - 3. Safety and reliability information, including planned provisions for emergency operations and shutdowns.
 - 4. A schedule showing the program for design; material acquisition, construction, and testing and operating dates.

5. Available site information, including maps and description, present, proposed, and ultimate development; and, as appropriate, geological, aesthetic, ecological, tsunami, seismic, water supply, population, and load center data, locations and comparative availability of alternate sites, and justification for adoption of the site selected.
 6. Design information, including description of facilities, plan efficiencies, electrical connections to system, and description of control systems, including air quality control systems.
 7. A Proponent's Environment Assessment (PEA) on the environmental impact of the proposed facility and its operation so as to permit compliance with the requirements of CEQA and this Commission's Rule of Practice and Procedure 17.1 and 17.3. If a PEA is filed, it may include the data described in Items 1 through 6, above.
- B. No later than 30 days after the filing of the application, the Commission staff shall review it and notify the utility of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, the commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA and Commission Rule 17.1 will be followed in addition to the Commission's standard decision-making process for applications. The Commission shall issue a decision within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act).

SECTION IX. TRANSMISSION LINE, POWER LINE, AND SUBSTATION FACILITIES

A. Transmission Line Facilities of 200 kV and Over

An electric public utility desiring to build transmission line facilities in this state for immediate or eventual operation in excess of 200 kV shall file for a CPCN not less than 12 months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances

1. An application for a CPCN shall comply with this Commission's Rules of Practice and Procedure 2 through 8, 15, and 16 and shall also include *the* following:
 - a. A detailed description of the proposed transmission facilities, including the proposed transmission line route and alternative routes, if any; proposed transmission equipment, such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc.; and a proposed schedule for certification, construction, and commencement of operation of the facilities.

- b. A map of suitable scale of the proposed routing showing details of the right-of-way in the vicinity of settled areas, parks, recreational areas, scenic areas, and existing electrical transmission lines within one mile of the proposed route.
 - c. A statement of facts and reasons why the public convenience and necessity require the construction and operation of the proposed transmission facilities.
 - d. A detailed statement of the estimated cost of the proposed facilities.
 - e. Reasons for adoption of the route selected, including comparison with alternative routes, including the advantages and disadvantages of each.
 - f. A schedule showing the program of right-of-way acquisition and construction.
 - g. A listing of the governmental agencies with which proposed route reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.
 - h. A PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission's Rule of Practice and Procedure, Rules 17.1 and 17.3. If a PEA is filed, it may include the data described in Items a through g above.
2. No later than 30 days after the filing of the application the Commission staff shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, the Commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA and Commission Rules of Practice and Procedure 17.1 will be followed in addition to the Commission's standard decision-making process for applications. The Commission shall issue a decision within the time limits prescribed by Government Code Sections 65920 et seq. (the Permit Streamlining Act).
- B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Operate Over 50 kV Which Are Not Included in Subsection A of this Section.

Unless exempt as specified in Section III herein, or already included in an application before this Commission for a CPCN, an electric public utility desiring to build power line or substation facilities in this state for immediate or eventual operation between 50 kV and 200 kV or substations for immediate or

eventual operation over 50 kV, shall file for a permit to construct not less than nine (9) months prior to the date of a required decision by the Commission unless the Commission authorizes a shorter period because of exceptional circumstances. An application for a permit to construct shall comply with the Commission's Rules of Practice and Procedure No. 2 through 8 and 15 through 17.

1. The application for a permit to construct shall also include the following:
 - a. A description of the proposed power line or substation facilities, including the proposed power line route; proposed power line equipment, such as tower design and appearance, heights, conductor sizes, voltages, capacities, substations, switchyards, etc., and a proposed schedule for authorization, construction, and commencement of operation of the facilities.
 - b. A map of the proposed power line routing or substation location showing populated areas, parks, recreational areas, scenic areas, and existing electrical transmission or power lines within 300 feet of the proposed route or substation.
 - c. Reasons for adoption of the power line route or substation location selected, including comparison with alternative routes or locations, including the advantages and disadvantages of each.
 - d. A listing of the governmental agencies with which proposed power line route or substation location reviews have been undertaken, including a written agency response to applicant's written request for a brief position statement by that agency. (Such listing shall include The Native American Heritage Commission, which shall constitute notice on California Indian Reservation Tribal governments.) In the absence of a written agency position statement, the utility may submit a statement of its understanding of the position of such agencies.
 - e. A PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission's Rules of Practice and Procedure 17.1 and 17.3. If a PEA is filed, it may include the data described in Items a through d above.
 - f. The above information requirements notwithstanding, an application for a permit to construct need not include either 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 CEQA compliance.
2. No later than 30 days after the filing of the application for a permit to construct, the CACD shall review it and notify the utility in writing of any deficiencies in the information and data submitted in the application. Thereafter, within 30 days, the utility shall correct any deficiencies or explain in writing to the CACD when it will be able to correct the deficiencies or why it is unable to do so. Upon correction of any deficiencies in the application, the CACD shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR must be prepared, and the process required by CEQA, and the Commission's Rules of Practice and Procedure 17.1 will be followed.

3. If the Commission finds that a project properly qualifies for an exemption from CEQA, the Commission will grant the permit to construct.
4. If the CACD determines, after completing its initial study, that the project would not have a significant adverse impact on the environment, the CACD will prepare a Negative Declaration. If the initial study identifies potential significant effects, but the utility revises its proposal to avoid those effects, then the Commission could adopt a Mitigated Negative Declaration. In either case, the Commission will grant the permit to construct.
5. If the initial study identifies potentially significant environmental effects, the CACD will prepare an EIR. The severity and nature of the effects, the feasibility of mitigation, the existence and feasibility of alternatives to the project, and the benefits of the project would all be considered by the Commission in deciding whether to grant or deny the permit to construct. The Commission intends to issue a permit to construe or disapprove the project within eight months ~~of~~ accepting the application as complete. This time limit may be extended if necessary to comply with the requirements of CEQA, but may not exceed the time limits specified in CEQA (for the preparation of an EIR).
6. If no protests or requests for hearing are received (pursuant to Section XII), CACD Examiner shall be assigned, and the Commission shall issue an ex parte decision on the application within the time limits prescribed by Government Code Section 65920 et seq. (the Permit Streamlining Act). If a protest or request for hearing is received, the matter shall be assigned to an administrative law judge, and the Commission shall issue a decision on the application within the time limits prescribed by the Permit Streamlining Act.

SECTION X. POTENTIAL EXPOSURE TO ELECTRIC AND MAGNETIC FIELDS (EMF)

A. Application for CPCN or Permit to Construct

Applications for a CPCN or Permit to Construct shall describe the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order. This information may be included in the PEA required by Rules of Practice and Procedure 17.1.

B. EMF Technical Assistance

The EMF education program administered by the California Department of Health Services for regulated electric utility facilities, established in Investigation (I.) 91-01-012, is available to provide independent information about EMF to local government, other state agencies, and the public to assist in their consideration of the potential impacts of facilities proposed by electric utilities hereunder. Local government and the public should first contact their public health department.

SECTION XI. NOTICE

A. Applications for a CPCN or Permit to Construct

Notice of the filing of each application for a CPCN for facilities subject to the provisions of Sections VII, VIII, and IX.A of this General Order and of the filing of each application for a permit to construct for facilities subject to Section IX.B of this General Order, shall be given by the electric public utility within ten days of filing the application:

I. By direct mail to:

- a. The planning commission and the legislative body for each county or city in which the proposed facility would be located, the CEC, the State Department of Transportation and its Division of Aeronautics, the Secretary of the Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, the Air Resources Board, and other interested parties having requested such notification. The utility shall also give notice to the following agencies and subdivisions in whose jurisdiction the proposed facility would be located: the Air Pollution Control District, the California Regional Water Quality Control Board, the State Department of Transportation's District Office, and any other State or Federal agency which would have jurisdiction over the proposed construction; and
 - b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent; and
2. By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and
 3. By posting a notice on-site and off-site where the project would be located.

A copy of the notice shall be delivered to the CPUC Public Advisor and the CACD on the same day it is mailed. A declaration of mailing and posting as required by this subsection shall be filed with the Commission within five (5) days of completion.

Three copies of each application for electric generation facilities shall be served on the Executive Director of the Energy Commission. If applicable, three copies shall be served on the Executive Director of the Coastal Commission. If applicable, three copies shall be served on the Executive Director of the S.F. Bay Conservation and Development Commission. Upon request by any public agency, the applicant shall provide at least one copy of its application to said public agency. A copy of the application shall be kept available for public inspection at the utility's office(s) in the county or counties in which the proposed facility would be located.

B. Power Line Facilities Between 50 kV and 200 kV and Substations Designed to Operate Over 50 kV Which Are Not Included in Subsection A of this Section

The utility shall give notice of the construction of any power line facilities or substations between 50 kV and 200 kV deemed exempt pursuant to Section III herein, not less than 30 days before the date when construction is intended to begin by:

1. Direct mail to the planning director for each county or city in which the proposed facility would be located and the Executive Director of the Energy Commission; and
2. Advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facility would be located, the first publication to be not later than 45 days before the date when construction is intended to begin; and
3. By posting a notice on-site and off-site where the project would be located.
4. Filing an informational advice letter with the CACD in accordance with General Order 96-A, which includes a copy and distribution list of the notices required by items 1-3 herein. On the same day, a copy of the advice letter must be delivered to the CPUC Public Advisor.

C. Contents of Notices

Each utility shall consult with the CACD and CPUC Public Advisor to develop and approve a standard for the notice required by subsections A and B; which shall contain, at a minimum, the following information:

1. The Application Number assigned by the CPUC or the Advice Letter Number assigned by the utility; and
2. A concise description of the proposed construction and facilities, its purpose and its location in terms clearly understandable to the average reader; and
3. A summary of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order; and
4. Instructions on obtaining or reviewing a copy of the application, including the Proponent's Environmental Assessment or available equivalent, from the utility; and
5. The applicable procedure for protesting the application or advice letter, as defined in Sections XII and XIII, including the grounds for protest, when the protest period expires, delivery addresses for the CPUC Docket Office, CACD, and the applicant and how to contact the CPUC Public Advisor for assistance in filing a protest.

SECTION XII. PROTEST AND REQUEST FOR PUBLIC HEARINGS

Pursuant to the Commission Rules of Practice and Procedure, Article 2.5, those to whom notice has been sent under Section XI.A hereof and any other person

entitled under the Commission's Rules of Procedure to participate in a proceeding for a CPCN or a permit to construct may, within 30 days after the notice was mailed or published, object to the granting in whole or in part of the authority sought by the utility and request that the Commission hold hearings on the application. Any such protest shall be filed in accordance with Article 2.5. If the Commission, as a result of its preliminary investigation after such requests, determines that public hearings should be held, notice shall be sent to each person who is entitled to notice or who has requested a hearing.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIII. PROTEST TO REQUIRE THE UTILITY TO FILE FOR PERMIT TO CONSTRUCT

Those to whom notice has been given under Section XI.B hereof and any other person or entity entitled to participate in a proceeding for a permit to construct may, within 20 days after the notice was mailed and published, contest any intended construction for which exemption is claimed by the utility from the requirements of Section III.B if such persons or entities have valid reason to believe that any of the conditions described in Section III.B.2 exist or the utility has incorrectly applied an exemption as defined in Section III herein. The protest shall be filed with the CACD, specifying the relevant utility advice letter number, in accordance with General Order 96-A, Section III.H. On the same date a protest is filed with the Commission, the protestant shall serve a copy on the subject utility by mail. The utility shall respond within five business days of receipt and serve copies of its response on each protestant and the CACD. Construction shall not commence until the Executive Director has issued an Executive Resolution.

Within 30 days after the utility has submitted its response, the Executive Director, after consulting with CACD, shall issue an Executive Resolution on whether: the utility is to file an application for a permit to construct, or the protest is dismissed for failure to state a valid reason. Also, the Executive Director shall state the reasons for granting or denying the protest and provide a copy of each Executive Resolution to the Commission's Public Advisor.

The Commission's Public Advisor shall provide information to assist the public in submitting such protests.

SECTION XIV. COMPLAINTS AND PREEMPTION OF LOCAL AUTHORITY

- A. Complaints may be filed with the Commission for resolution of any alleged violations of this General Order pursuant to the Commission's Rules of Practice and Procedure 9 through 13.1. A complaint which does not allege that the matter has first been brought to the staff for informal resolution may be referred to the staff to attempt to resolve the matter informally (Rules of Practice and Procedure No. 10).
- B. This General Order clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject

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to the Commission's jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters. In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing no later than 30 days after the utility or local agency has notified the Commission of the inability to reach agreement on land use matters.

- C. Public agencies and other interested parties may contest the construction of under-50-kV distribution lines and electric facilities by filing a complaint with the Commission pursuant to the Commission's Rules of Practice and Procedure 9 through 13.1.

SECTION XV. STATE AGENCY REVIEW OF ELECTRIC GENERATING AND RELATED TRANSMISSION FACILITIES NOT SUBJECT TO THE WARREN-ALQUIST ENERGY RESOURCES CONSERVATION AND DEVELOPMENT ACT

Nothing in this order shall be construed to preempt or otherwise limit the jurisdiction of state agencies other than this Commission to exercise the full range of their jurisdiction under state or federal law over facilities subject to this order. A coastal development permit shall be obtained from the Coastal Commission for development of facilities subject to this order in the coastal zone.

SECTION IX. CEQA COMPLIANCE

Construction of facilities for which a CPCN or permit to construct is required pursuant to this General Order shall not commence without either a finding that it can be seen with certainty that there is no possibility that the construction of those facilities may have a significant effect on the environment or that the project is otherwise exempt from CEQA, or the adoption of a final EIR or Negative Declaration. Where authority must be granted for a project by this Commission, applicant shall comply with Rule 17.1 of our Rules of Practice and Procedure:

Special Procedure for Implementation of the CEQA of 1970 (Preparation of EIRs). This latter requirement does not apply to applications covering generating and related transmission facilities for which a certificate authorizing construction of the facilities has been or will also be issued by the CBC. For all issues relating to the siting, design, and construction of electric generating plant or transmission lines as defined in Sections VIII and IX.A herein or electric power lines or substations as defined in Section IX.B herein, the Commission will be the Lead Agency under CEQA, unless a different designation has been negotiated between the Commission and another state agency consistent with CEQA Guidelines § 15051(d).

~~PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA~~

By ~~WESLEY M. FRANKLIN~~
~~Acting Executive~~
~~Director~~

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August 11, 1995

Appendix A- General Order No. 131-E

INFORMATION TO BE INCLUDED IN THE UTILITY
REPORT REGARDING FINANCING OF NEW ELECTRIC
GENERATING CAPACITY AND TRANSMISSION LINE PROJECTS

- I. A statement, detailing the economic assumptions used to project all construction expenditures and annual operating costs, including the methodology, assumptions, and sources and authorities associated therewith for a fifteen-year (15) period commencing with the year in which the report is filed, for each of the following:
 - A. Operating Revenues
 1. Electric
 2. Gas, if applicable
 3. Miscellaneous
 4. Total
 - B. Operating Expenses
 1. Cost of Electric Energy
 2. Cost of Gas sold, if applicable
 3. Transmission and Distribution
 4. Maintenance
 5. Depreciation
 6. Taxes on Income
 7. Property and Other Taxes
 8. Other
 9. Total
 - C. Operating Income
 - D. Other Income and Deductions
 1. Allowance for Equity Funds Used During Construction
 2. Gains on Bonds Purchased for Sinking Fund
 3. Subsidiary Income
 4. Other - Net
 5. Total
 - E. Income Before Interest Charges
 - F. Interest Charges
 1. Short-term
 2. Long-term
 3. Less Allowance for Borrowed Funds Used During Construction
 4. Total
 - G. Net Income
 - H. Preferred Dividend Requirement

- I. Earnings Available for Common Stock
- J. Average Number of Shares of Common Stock Outstanding (Thousands)
- K. Earnings Per Share of Common Stock
- L. Dividends Per Share of Common Stock
 - 1. Declared Basis
 - 2. Paid Basis
- II. An estimate for each of the following capital requirements items for each year for a fifteen-year period commencing with the year in which the report is filed:
 - A. Construction expenditures by year broken down by:
 - 1. Generation projects over \$100 million, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 - 2. All other generation projects, including those, if any, located out-of-state
 - a. Busbar, including switchyard, expenditures
 - b. Associated transmission expenditures
 - 3. Non-generation transmission expenditures
 - 4. Distribution expenditures
 - 5. Other expenditures

Breakdown of each item in 1 above into the following elements:

Directs	(M&S + Labor)	Indirects	AFDC	Total
\$	\$	\$	\$	\$

- B. Bond retirements, sinking fund retirements, etc.
- C. Investments in subsidiary companies
- III. An estimate for each of the following items for each year for a fifteen-year period commencing with the year in which the report is filed:
 - A. Capital balances as of January 1
 - B. Capital ratios as of January 1
 - C. Imbedded costs of debt and preferred stock
 - D. Debt, preferred and common stock issues:
 - 1. Amount (\$ and shares)
 - 2. Yield and cost of each issue

- E. Income tax information
 - 1. Tax operating expense
 - 2. State tax depreciation
 - 3. Federal tax depreciation
 - 4. ITC or other credits available and used
 - F. Short-term debt balances
 - G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction
- IV. Data showing the estimated Results of Operation for electric utility operations for each year for a fifteen-year (15) period, commencing with the year in which the report is filed, in the formal set forth below:
- A. Kilowatt-hour Sales
 - 1. Total
 - 2. Residential
 - B. Average Price (¢/kWh)
 - C. Number of Residential Customers
 - D. Gross Revenue - Total
 - 1. Base Rates
 - 2. ECAC Rates
 - 3. ECAC Rate Increases
 - 4. Non-ECAC Rate Increases
 - 5. Misc. Operating Revenues
 - E. Operating Expenses - Total
 - 1. Production - Fuel and Purchased Power - Total
 - a. Oil
 - b. Gas
 - c. Nuclear
 - d. Coal
 - e. Geothermal
 - f. Combined Cycle
 - g. Purchased Power
 - h. Other (explain)
 - 2. Production O&M (non-fuel)
 - 3. Transmission
 - 4. Distribution
 - 5. Customer Accounts
 - 6. A&G
 - 7. Depreciation & Amortization

- 8. Taxes - Total
 - a. State Income
 - b. Federal Income
 - c. Ad Valorem
 - d. Other
- 9. Other (explain)
- F. Net Operating Income
- G. Rate Base (Weighted Average)
- H. Rate of Return
- I. Net-to-Gross Multiplier
- V. For those electric utilities which also operate other public utility departments, such as natural gas, steam, and water service, an estimate of the following financial information by department for each year for a fifteen-year (15) period, commencing with the year in which the report is filed. Any separate utility operation that contributes to less than one (1) percent of the utility's total gross operating revenues may be excluded.
 - A. Gross Revenue
 - B. Operating Expenses
 - C. Net Operating Income
 - D. Rate Base (Weighted Average)
 - E. Rate of Return
- VI. The following variable will be provided by the staff of the Public Utilities Commission for use by the utility in generating certain financial information required by Appendix A:
 - A. Return on Common Equity
 - B. Dividend Yield
 - C. Market to Book Ratio
 - D. Cost of Long-Term Debt (including incremental cost)
 - E. Cost of Preferred Stock (including incremental cost)
 - F. Common Stock Price
 - G. Annual equivalent rate used to compute the Allowance for Funds Used During Construction

These variables will be furnished 60 days before the annual utility report is due and will be developed by the staff based on its independent expertise.

**INFORMATION TO BE INCLUDED IN AN APPLICATION
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FOR ELECTRIC GENERATING FACILITIES**

- I. A detailed description of the proposed generating facility and related facilities and the manner in which the same will be constructed, including the type, size, fuel capabilities, and capacity of the generating facilities.
- II. A map of suitable scale showing the location of the proposed power plant and related facilities, and a description of the location of the proposed power plant and related facilities.
- III. A listing of federal, state, regional, county, district, or municipal agencies from which approvals either have been obtained or will be required covering various aspects of the proposed facility, including any franchises and health and safety permits and the planned schedule for obtaining those approvals not yet received.
- IV. Load and resource data setting forth recorded and estimated loads (energy and demands), available capacity and energy, and margins for 5 years actual and 20 years estimated on the same basis, as reported to the CBC including a statement of the compatibility of the proposed generating facility with the most recent biennial report issued by the CBC pursuant to Section 25309 of the Public Resources Code.
- V. Existing rated and effective operating capacity of generating plants and the planned additions for a ten-year (10) period.
- VI. Estimated cost information, including plant costs by accounts, all expenses by categories, including fuel costs, plant service life, capacity factor, total generating cost per kWh (1) at plant, and (2) including related transmission, levelized for the economic life of the plant, year by year for the 12 years commencing with the date of commercial operation of the plant, and comparative costs of other alternatives considered on a levelized or year-by-year basis depending upon availability of data. Estimated capital and operating costs of power to be generated by the proposed plant for all competitive fuels which may be lawfully used in the proposed plant. When substantially the same data are prepared for utility planning purposes, they may be used to satisfy all or any portion of these requirements.
- VII. For any nuclear plant a statement indicating that the requisite safety and other license approvals have been obtained or will be applied for.
- VIII. Such additional information and data as may be necessary for a full understanding and evaluation of the proposal.

(End of Appendix)