

1 ALVISO, CALIFORNIA, JULY 11, 2000 - 6:35 P.M.

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3 ADMINISTRATIVE LAW JUDGE BIREN: On the record.

4 The Public Utilities Commission will please  
5 come to order. This is the time and place set for  
6 a public participation hearing in the application of  
7 Pacific Gas and Electric Company, A.99-09-029, to build  
8 the Los Esteros Substation and add to and reinforce some  
9 of the transmission lines in the Fremont/Northeast  
10 San Jose Area.

11 The purpose of our meeting today is to take  
12 comments from concerned citizens about this project and  
13 about the Draft Environmental Impact Report that's been  
14 issued. And I'll explain our procedure in a few  
15 minutes.

16 I am Administrative Law Judge Andrea Biren,  
17 and I will be writing the draft decision for  
18 the Commission's review on this project, and on whether  
19 to adopt the Draft Environmental Impact Report for  
20 this project, and to otherwise approve, modify, or  
21 reject the application.

22 And this is Commissioner Henry Duque,  
23 the Assigned Commissioner for this application, and  
24 he will also be interested in hearing your comments and  
25 would like to say a few words to us now.

26 COMMISSIONER DUQUE: Thank you, Judge Biren.

27 I'm delighted to see there are individuals  
28 here who wish to let us know how you feel on the

1 subject, because public participation meetings are  
2 very important to the Commission. Those of you that  
3 don't see much of us, we're sitting on the fifth floor  
4 of a building in San Francisco, and we don't get out  
5 very often. I try to get out as often as I can, because  
6 the information that we get from public participation  
7 hearings is invaluable.

8 We can't sit -- I as a Commissioner can't sit  
9 there and determine what the public wants. I have to  
10 hear from the public and we can go from there. Your  
11 comments here and the public participation meeting which  
12 will be held tomorrow in Fremont are being recorded so  
13 all five Commissioners will have the opportunity to find  
14 out how the public feels on this particular CPCN.

15 What happens is, after we have gone through  
16 evidentiary hearing, the Judge comes up with a proposed  
17 decision, the Commissioners kick it around, we either  
18 agree, disagree, whatever. Maybe even write an  
19 alternate if we don't agree with the Judge, and then  
20 vote on it.

21 So all five Commissioners are a part of this  
22 and it's what information we get from public  
23 participation is of vital importance to us; so I'm glad  
24 you're here and I look forward to hearing what you have  
25 to tell us.

26 ALJ BIREN: Thank you.

27 There are other members of the Commission  
28 staff here today, and if you would just stand up so  
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1 everyone knows who you are as I go through your names.

2 Judith Ikle who is the environmental  
3 coordinator for the Commission.

4 Susan Lee from the Aspen Group who is  
5 the environmental consultant for the Commission and  
6 the primary author of the Draft Environmental Impact  
7 Report.

8 Rosalina White who is the Commission  
9 coordinator for public participation and from the Public  
10 Advisor's Office, and is here to help any members of  
11 the public with their presentation if they so desire.

12 There is also a representative here from  
13 the Commission's Office of Ratepayer Advocates:  
14 Jonathan Bromson.

15 And there are also a number of representatives  
16 from PG&E. Would you like to stand and identify  
17 yourselves as well?

18 I don't remember all your names, so you're  
19 going to have to do it yourselves.

20 MR. BONDERUD: My name is Robert Bonderud, I'm with  
21 PG&E; I'm the environmental coordinator for the  
22 project.

23 MR. HERZ: Michael Herz, I'm the EMF program  
24 consultant for PG&E.

25 MR. LEVY: David Levy, I'm with Morrison &  
26 Foerster, and we're outside counsel to PG&E.

27 MR. LAM: My name is Chung Lam, I'm with PG&E.  
28 I'm a substation engineer.

1 MR. MARKI: And I'm Tom Marki with PG&E;  
2 I'm the project manager.

3 ALJ BIREN: So there are a lot of people here  
4 to answer the questions of the members of the public  
5 who are here. And what I'd like to do now is actually  
6 ask Judith Ikle and Susan Lee to make a presentation  
7 off the record letting everyone know what both the  
8 application originally asked for and what the draft  
9 environmental impact report is now saying is  
10 the preferred environmental route.

11 Off the record.

12 (Off the record)

13 ALJ BIREN: Let's go back on the record.

14 So if you have comments that you would like  
15 to present orally tonight, I hope you have signed up  
16 (indicating).

17 If there is any other, anyone else who would  
18 like to present comments, just let me know and we can go  
19 off the record and you can sign up now.

20 Okay. What we're going to do is you make  
21 your comments, they're going to be recorded by the court  
22 reporter, and in so doing, that enables the other  
23 Commission members, as Commissioner Duque said, to be  
24 able to know what you have said.

25 And with that, I think what we'll do is  
26 go ahead.

27 Also, just before we go ahead, I want everyone  
28 to know that there's also these blue sheets available

1 (indicating), that are preaddressed, if anyone wants to  
2 make written comments on the Draft EIR.

3 ALJ BIREN: So, Mr. Fisher, would you stand and  
4 just state and spell your name so it's on the record,  
5 and then make your comments, please.

6 STATEMENT OF MR. FISHER

7 MR. FISHER: My name is Tony Fisher, I'm a senior  
8 adviser at New United Motor Manufacturing, Inc., located  
9 at 45500 Fremont Boulevard, Fremont, California 94538.

10 I just wanted to make a couple comments, and  
11 I'd like to reserve the right to come in with written  
12 comments, okay. The first thing is, I wanted to say is,  
13 is we're glad to see 230 kV line come down, okay. Power  
14 is a great thing that everyone, you know, has worked on  
15 here; so the direction I want to mention is we believe  
16 is right, okay.

17 Second thing is, is that I just want to  
18 briefly make a couple and it's questions and  
19 I'm focusing on the lines, not the substation and not  
20 the other stuff that's handling down in the lower part  
21 there, but just, you know, really the Alternative A  
22 I-880, A, Alternative I-880 B and the proposed line.  
23 And I just wanted to mention this about those: I know  
24 a lot of work has been done in this, you know,  
25 environmental impacts, and this type of a thing is not  
26 a real clear-cut issue, and people have done a great job  
27 of looking at this but the only thing that I ask, which  
28 I'm not really sure of, looking at the data, is that the  
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1 people and the consultant looks at is that to make sure,  
2 because I think a lot of it depend, could depend on  
3 aesthetics of how one person or one company is impacted  
4 by a few or some people or residents versus another,  
5 and it's a trade off.

6 As I said, there is nothing really clear cut,  
7 but the thing that we would like to make sure is looked  
8 at is those three routes and their aesthetic impact  
9 on the businesses, the commercial customers, and also  
10 the residences from the three, and to fold that in,  
11 make sure that you look at all.

12 You have some great views here and projected  
13 views, but that's what I'm seeing here is not  
14 everything. So that's the thing that I would, I just  
15 ask that people, you know, look at, and the one thing  
16 at least it seems to be somewhat, is the proposed  
17 project seems to be a little less expensive, okay, than  
18 the other two; but I think that, you know, we all are  
19 interested in the environment and part of the  
20 environment is also how it affects the aesthetic,  
21 aesthetic nature. You follow me, of those you are  
22 looking at.

23 And I just want to I just want to finalize  
24 by saying, one thing that we try to do we are up at that  
25 northern part and we are on the eastern side of 880,  
26 okay. We have tried, we spent a lot of money trying  
27 to make things aesthetically look very nice from 880.  
28 You can see all the planting that we have done out

1       there, you know, where people -- so that our plant tries  
2       to fit in more, and we try to be environmentally  
3       sensitive, and so that's one of the reasons why  
4       I brought this up, but I do want to say that the  
5       direction is in the right direction, you follow me,  
6       of moving down.

7                     And from this point on, it's going to be  
8       a judgment with you people of how you balance and  
9       it's a difficult job, okay.

10             ALJ BIREN: Thank you.

11             MR. FISHER: Thank you.

12             COMMISSIONER DUQUE: Thanks very much.

13             ALJ BIREN: Mr. James Mathre.

14                     STATEMENT OF MR. MATHRE

15             MR. MATHRE: That's me.

16             ALJ BIREN: Would you just state and spell your  
17       name?

18             MR. MATHRE: James Mathre, M-A-T-H-R-E. I live in  
19       Santa Clara. In fact, I live right across the street  
20       from that substation you're talking about.

21                     The first thing is a comment about the flyer,  
22       this thing had on here, and had talked about the website  
23       containing the draft EIR. Unfortunately, it had two  
24       different URL's on here and neither of them were  
25       correct. What happened is you had to replace the www  
26       with nic, then you get to the right page.

27             MS. IKLE: We have a new Web page at the Commission  
28       today.

1 MR. MATHRE: I spent a couple of hours last night  
2 trying to find that document. Finally I found it  
3 but it took me awhile.

4 MS. IKLE: I apologize.

5 MR. MATHRE: Next comments Draft EIR where it's  
6 talking about the 49er camp. Just adjacent to the 49er  
7 camp between Tasman and 49er Camp is a vacant lot, that  
8 vacant lot is going to be a three field for a soccer  
9 park, it's a public use facility and is going to have  
10 kids playing directly underneath the cables, so we want  
11 to make sure any cables going across there are safe for  
12 people to be underneath, whether it be EMF or any of  
13 those kind of things or just a safety deal to the  
14 construction itself, want to make sure it's publicly  
15 safe for people to be in and around and underneath those  
16 cables.

17 And the question I guess I could have asked  
18 earlier was the power lines that come down, there's  
19 existing power lines on the west side of Lafayette  
20 Street. Are you talking about just changing the cables  
21 that are on those existing power lines, you're not  
22 putting up new poles or anything like that.

23 MS. LEE: Correct.

24 MR. MARKI: Can I comment on that last statement?

25 ALJ BIREN: You have to say who you are.

26 MR. MARKI: Okay. I'm Tom Marki with PG&E.

27 I just want to correct one statement.

28 If we brought the 230-kV line down to an RS,

1 we will be basically utilizing one of the existing  
2 transmission lines for the 230. However, a second  
3 transmission line for replacing existing 115 will have  
4 to be built somewhere in that same corridor. So there  
5 will be three transmission lines going down there  
6 instead of just two.

7 MR. MATHRE: Is this on the same poles though?

8 MR. MARKI: No, whole new pole. Whole new set of  
9 transmission lines.

10 MR. MATHRE: But it would be adjacent to existing  
11 poles or across street, because you have got residences  
12 across the street from the camp.

13 MR. MARKI: Those likely would be adjacent to  
14 existing ones. But there is a problem with the 49er  
15 camp there, so we don't know yet.

16 MR. MATHRE: Okay. So the 49ers could be a problem  
17 and the soccer park could be a problem.

18 ALJ BIREN: Was there anything else, Mr. Mathre?

19 MR. MATHRE: Just want to make sure where those  
20 cables were going, because you have got residences  
21 on one side then you have the 49ers and the soccer park  
22 on the other side of the street, so I need to make sure  
23 what side of the street we're taking about as far as  
24 what the impacts would be.

25 I just remembered one other thing. There was  
26 a comment in there on the EMF levels related to  
27 Kathleen Hughes school. Well, the residences that I  
28 live in are located halfway between the school and the

1 power lines, so if there is an issue with EMF levels  
2 at the school, then why wasn't there an issue with  
3 the residences that live halfway in between?

4 ALJ BIREN: Thank you.

5 William Harbett.

6 Would you please state and spell your name?

7 STATEMENT OF MR. GARBETT

8 MR. GARBETT: I'm William Garbett, G-A-R-B-E-T-T.

9 ALJ BIREN: Sorry, Garbett.

10 MR. GARBETT: And I am representing the public  
11 in our environmental organization.

12 Looking at your Draft EIR there seems to be  
13 a number of shortcomings with it. Particularly,  
14 in regards to the cumulative effects which are not  
15 addressed in the EIR. The particular station that  
16 you're recommending transmission cross connect points is  
17 going to be allegedly between two gas-turbine-powered  
18 power plants. The one to the north has been proposed by  
19 PG&E and these transmission towers are contingent upon  
20 its approval. The one to the south has been approved  
21 through The City of San Jose to a great degree to be  
22 filled by Calpine, which basically is in advance however  
23 it's been approved by the City of San Jose Planning  
24 Commission as an auxiliary power plant for Cisco  
25 Systems. So you're going to have an entire block,  
26 power plants, transmission points, power plant going  
27 down the road.

28 Unfortunately, this is overwhelming.

1 Particularly if you look at the other end of the  
2 transmission line, not the San Jose end but the Fremont  
3 end, California Energy Commission AFC 99-3, you go --  
4 you are going to have the application there as one of  
5 the alternative sites proposes two different power plant  
6 locations perhaps just off Stevenson Road off Llewellyn  
7 Road and what happens is you have two more power plants  
8 there.

9 So you have two power plants at one end of  
10 the transmission line, two power plants at the other  
11 ends, shall we say aren't we getting a little bit busy  
12 over here? In fact, the power grid of the transmission  
13 system may be entirely adequate with repowering of  
14 Moss Landing.

15 Repowering of Moss Landing not only goes and  
16 retains traditional generating capacity will add new  
17 capacity.

18 In San Jose, in south San Jose you have  
19 proposed a Metcalf Energy Power Plant. That power  
20 plant, shall we say, is well along on its application,  
21 and the next point of hearings is July 19th  
22 on a discussion as to where the hearings will proceed  
23 further. With that power plant, let's say it is  
24 the only one constructed and not the four additional  
25 right here in the Bay Area, with the one Metcalf Road  
26 Power Plant, the only reinforcement of the grid will be  
27 an interconnection along Montague Road that can very  
28 well be undergrounded that will connect two major

1 transmission systems of PG&E with a cross-connect bridge  
2 and power this entire valley to a great degree. You do  
3 not need anything else if that south San Jose plant is  
4 built or if the Moss Landing puts its power in.

5 The environmental impact report does not  
6 address Assembly Bill 1149 regarding the undergrounding  
7 of utilities which the Public Utilities Commission is  
8 supposed to be studying right now and it should be  
9 addressed within this EIR in order to make it complete  
10 since it is the legislative intent that undergrounding  
11 be accomplished.

12 At the scoping hearing some of the transcript  
13 was abridged a little bit, but some of the things  
14 we were talking there about was other projects right  
15 within the area. Those were detailed, for instance,  
16 in the comments, the verbal comments that were allowed  
17 on the voice-mail line regarding comments on this EIR.

18 At the last public hearing, or last set of  
19 public hearings that you had no comments taken. At that  
20 point in time, I guess it was a publicity type of  
21 hearing, they said that these comments that went into  
22 the voice line would not be used or taken as to comments  
23 on the EIR. However, the message on the voice line said  
24 they would be used.

25 To my knowledge, there was only two sets of  
26 comments that came in to those lines asking to be put  
27 in. I see of no reason why it is so critical to exclude  
28 these, except for the fact we ask about other projects

1 that were not being undergrounded by PG&E particularly  
2 in the Montague/Zanker Road area, which this EIR should  
3 have included within the scoping process. Comments were  
4 made at the scoping hearing on this. They were not  
5 included. Once again, we ask why are they not being  
6 included. Well, for the same reason PG&E wants to go  
7 and move their power lines and construct new facilities,  
8 for instance, today on Capital Expressway in San Jose  
9 they had another public notice wanting to avoid any  
10 undergrounding of any utilities. They want to replace  
11 aerial with aerial that's higher, bigger, and so forth.  
12 Maybe Charlie Davidson at Graystone Homes don't need  
13 their project that much, because they don't comply with  
14 General Order 20 A, 20 B, the City of San Jose uses.  
15 These transmission towers are basically and lines, are  
16 basically at various voltages and the heights of them  
17 goes and dictates and the electromagnetic fields are  
18 dictated.

19 Unfortunately, the EIR is inadequate because  
20 with the additional power plants that should have been  
21 included within the EIR, because these are the  
22 accumulative effects, these are known public documents  
23 that have went through the Governor's office, through  
24 planning and research. Since these documents were  
25 known, they should have been included. With this  
26 additional information, all your EMF currents,  
27 the heights of your lines and everything else is moot.  
28 They're invalid. You need to have a best case and worst

1 case with no additional power generation or with  
2 additional power generation. There is a large range  
3 in between. The balance of both on when power plants  
4 that are in the pipeline of California Energy Commission  
5 needs to be addressed. This is why these transmission  
6 reinforcements is being done.

7 Undergrounding, there is one alternative that  
8 has been looked at before and going through the wildlife  
9 preserve here is you haven't looked at undergrounding  
10 going all the way across. It would be a one time  
11 disturbance. It could be done in sections and of  
12 minimal environmental consequences in the long-term,  
13 because the lines would be buried.

14 It's common in Europe to underground power  
15 transmission lines, electromagnetic fields would not  
16 have a very big influence on people.

17 Of course, there may be some more permits,  
18 permits and time may not be of the essence since  
19 I guess this here is the third time around on the EIR.  
20 So therefore, it is not critical to that point.

21 The power blackouts this summer just happen to  
22 coincide with public hearings on the Calpine Metcalf  
23 Energy Center hearings. Mere coincidence or was it  
24 collusion between the California ISO? That's a question  
25 that needs to be addressed. Are we seeing -- but there  
26 are blackouts that are generated, for instance, by  
27 design not merely by, shall we say, incompetence or  
28 ground out. At all times you have customers that could

1 disconnect from the grid, did all of them do so that  
2 were actually rate paying on that? Rotating ground out  
3 should be among those commercial customers that pay  
4 a lesser fee for their power. The question is, is the  
5 ISO was supposed to save us from all these, because  
6 they could just pay more money and have unlimited  
7 power because they could draw it from anywhere  
8 in the country allegedly. Or the North American  
9 continent.

10 In any case, it has not led to the promise.  
11 Public Utilities Commission did not break up the power  
12 generation monopoly for us and PG&E and others, they  
13 basically shifted it to the commercial sector. They  
14 deregulated, but in doing so, they created two new  
15 monopolies, the ISO and the distribution by PG&E.  
16 This is why we have the problems that we have right now  
17 and why we are considering this project. Deregulation  
18 does not result in the loss of monopolies and the loss  
19 of problems, just has created us another level of  
20 problems.

21 On the EIR cumulative effect you have to look  
22 at the social and economic conditions. Pure economy  
23 with the power generators is not the only factor, it is  
24 the end-use cost to the customer and the availability  
25 that must also be considered. The particular impact  
26 upon them must be considered to the people themselves,  
27 not merely the impact to commercial users or to profit  
28 centers. With that, we go and look a little bit

1       towards, do we want two rows of big transmission lines  
2       to have yet another third row of transmission lines with  
3       yet another row of transmission lines for 115 volt set  
4       that has to be used to go and rearrange what they have  
5       along a grid? Perhaps what is needed is to do one level  
6       of undergrounding where going through this same area  
7       they use more duct and by using duct they can  
8       underground the remaining present transmission towers,  
9       eliminate the visual blight and improve the reliability  
10      of the grid.

11               Improving the reliability of the grid and  
12      the long-term distribution should be what you're after.  
13      The economic cost is both short-term and long-term and  
14      reliability. The Public Utilities Commission is  
15      considered with the long-term reliability and the lowest  
16      cost for the long-term. Rate of return is normally set  
17      by the utilities independent of other things. You do  
18      have cost and you have a regulated rate of return.  
19      With that you need to look for the long-term service to  
20      the customer. With that, we look at something else.  
21      What happens is in the undergrounding that you do have  
22      proposed in your EIR and that, needless to say, all we  
23      see is fiber-optic cables going through there along with  
24      the electrical cables. Is PG&E a telecommunications  
25      firm, are they a telephone firm or otherwise? Should  
26      this be deleted from the EIR, because it is  
27      inappropriate?

28               Telemetry along the power lines themselves has

1       been used traditionally for getting information from  
2       one place to the other, and reliable switching  
3       information. The use of transmission towers for the  
4       installation of cellular telephones and other such  
5       things should basically be eliminated for safety  
6       reasons. There is additional things besides  
7       electromagnetic fields. There is electromagnetic  
8       compatibility. The magnetic fields comprised with  
9       communications devices in close proximity provide what  
10      we call cross-modulation where every frequency mixes and  
11      we get the sum, the difference, and the two original  
12      frequencies and those, once again, some difference and  
13      two originals without end.

14                   And so these communications devices that are  
15      mounted on the towers can cause tremendous interference  
16      problems within the local area. You have a transmission  
17      tower it should be a transmission tower, you have  
18      an antenna tower, it's a different function it should be  
19      elsewhere. And this goes for putting telecommunications  
20      cables along with electrical transmission lines.  
21      They are two items that do not mix. There is times  
22      where certain control or other functions can be done,  
23      but it should not be sold, it should not be leased,  
24      it should not be given to other government agencies  
25      without a tender of payment and the appropriate permits  
26      gained in other respects.

27                   Thank you.

28                   ALJ BIREN: Thank you.

1                   Those are all the people I have signed up.

2                   Would anyone else like to address us this evening?

3                   COMMISSIONER DUQUE: Don't be bashful.

4                   ALJ BIREN: Again, I want to let you all know that  
5                   written comments can also be sent to us, postmarked  
6                   no later than July 27th. I think someone asked if  
7                   written comments were also possible until July 27th.  
8                   And if you pick up a blue flyer again it has the correct  
9                   address.

10                   Well, thank you.

11                   If there is no further business before  
12                   the Commission at this time, our public participation  
13                   hearing is adjourned.

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15                   (Whereupon, at the hour of 7:25 p.m.,  
16                   this matter having been continued to  
17                   2:30 p.m., July 12, 2000, at San Francisco,  
                  California, the Commission then adjourned.)

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