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1 ALVISO, CALIFORNIA, JULY 11, 2000 - 6:35 P.M.
 2 * * * * *
 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.

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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

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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 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.

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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.

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

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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

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1 Particularily 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

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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

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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

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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.

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1 FREMONT, CALIFORNIA, JULY 12, 2000 - 2:30 P.M.

2 * * * * *

3 ADMINISTRATIVE LAW JUDGE BIREN: The Public Utility
4 Commission will please come to order.

5 This is the time and place set for a public
6 participation hearing in the application for
7 a certificate for the building of the Los Esteros
8 Substation and to add to and reinforce some of the
9 transmission lines in the Fremont and Northeast San Jose
10 area. It's Application number A.99-09-029 and it is
11 the application of the Pacific Gas & Electric Company.

12 The purpose of our meetings today is to take
13 comments from concerned citizens about this project, and
14 I'll explain our procedures in just a few minutes, but I
15 do want to emphasize how important it is to have the
16 public comments for the Commissioners who make the
17 ultimate decision on these applications.

18 I am Administrative Law Judge Andrea Biren and
19 I'm responsible for writing the draft decision for the
20 Commission's review on whether to adopt the draft
21 environmental impact report and whether to approve,
22 modify, or reject the application. But the Commission
23 wants to know what the public's view of the application
24 is, and the way it finds out what the public's view is
25 is by reviewing the public comments.

26 I'm going to ask other people who are involved
27 with this application to stand when I say your name.

28 From the Commission we have Judith Ikle who is

1 the environmental coordinator; we have Susan Lee from
2 the Aspen Group who is the environmental consultant
3 for the Commission and primary author of the draft
4 environmental impact report; we have Rosalina White,
5 who is the Commission coordinator for the public
6 participation, and who is here to help you make your
7 presentation to the Commission, if you need any help;
8 and there are also quite a number of representatives
9 from PG&E, and I don't see any representative from the
10 Commission's Office of Ratepayer Advocates, but that
11 person might come in later.

12 If you have any comments you'd like to present
13 orally today, please sign up on the list. And if you
14 want to make written comments, we have these
15 turquoise-blue forms over there (indicating), for
16 comments, particularly on the Draft EIR, but feel free
17 to comment on the application as well, although you
18 might make it clear that that's what you're doing
19 with an asterisk or something at that time -- and it has
20 the address. And if you don't want to use the blue
21 form, you might pick up one anyway, just to get
22 the address.

23 The comments that you make today will be
24 recorded by the court reporter and so I'll be asking
25 anybody who is going to make comments to stand,
26 so it's clear for the reporter if you look at her
27 as well as looking at me and also try and speak clearly,
28 that will be helpful.

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1 Right now what we're going to do is go off
 2 the record briefly before I take your comments and allow
 3 Judith Ikle and Susan Lee to make a brief presentation
 4 about the Commission process and about the draft
 5 environmental impact report, and then I'll be taking
 6 your comments. So we're off the record.

7 (Off the record)

8 ALJ BIREN: We'll be back on the record.

9 So if you do have questions, the best time
 10 for the questions will be afterwards to either the
 11 environmental consultants or any of the PG&E staff
 12 that are here.

13 So if you're prepared now, I think we'll go
 14 ahead and -- oh, I do want to tell you if you want to
 15 submit written comments in addition, please feel free
 16 to do so, in addition to the oral comments.

17 Mr. Pasters. Would you please stand,
 18 state and spell your name, and we'd love to hear from
 19 you.

20 MR. PASTERS: Should I come up here?

21 ALJ BIREN: Whatever you're comfortable with.

22 MR. PASTERS: Neither.

23 STATEMENT OF MR. PASTERS

24 MR. PASTERS: My name is Ernest Pasters,
 25 P as in Paul A-S-T-E-R-S. I work with/for Lam Research
 26 Corporation. Lam is a semiconductor equipment, capital
 27 equipment company about a billion dollars plus.

28 And our concern is with process. We have

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1 an R&D building on Cushing and let's see if I can.
 2 Cushing?

3 ALJ BIREN: At the top.

4 MR. PASTERS: This is the Cushing route right here
 5 (indicating). With this alternative (indicating),
 6 they put transmission towers right down Cushing, and
 7 it would be on our side of the street, and we're very,
 8 very concerned and we're preparing a statement on the
 9 effect it has on our process, because our R&D building,
 10 we have six buildings along that and three of them,
 11 one is our wireless center, which would be probably
 12 heavily affected, we communicate all over the world for,
 13 for our parts and process support; and the R&D is we are
 14 not sure now, but we think there could be some strong
 15 impact on -- we work heavily on RF frequency in our
 16 etch process, and so it could have such an affect that
 17 we would be unable to operate under those conditions.

18 And we will be preparing written comments
 19 July 27th, so we'll get those in; and I thank
 20 Aspen Environmental for getting me copies especially.

21 If there is any questions, I'll be happy to
 22 answer them. If not, why that's basically our statement
 23 and it's an affect -- it's a company of 3,000 people and
 24 on the Fremont campus and we'd be heavily affected by
 25 it.

26 ALJ BIREN: So when you say your "process,"
 27 you're talking about the work that you do?

28 MR. PASTERS: Yes, we have etch, the actual

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1 equipment that etches the processes for Intel and
 2 Motorola, we sell them the equipment and we do it with
 3 RF frequency and a bunch of elaborate processes to cut
 4 these 1.8 millimeter lines and silicon wafers; and
 5 we're very concerned that that process wouldn't function
 6 under those conditions. And we're investigating it
 7 now. We're very concerned.

8 ALJ BIREN: Thank you very much.

9 MR. PASTERS: Thank you.

10 ALJ BIREN: Mr. Wilson.

11 You know, I actually think it's better
 12 if you stay there, because the court reporter couldn't
 13 see his face.

14 MR. WILSON: That's fine.

15 ALJ BIREN: Okay, thanks.

16 STATEMENT OF MR. WILSON

17 MR. WILSON: I'm Ron Wilson. I'm the city engineer
 18 for the City of Fremont.

19 I'll be making some preliminary comments and
 20 we'll be following up with more detailed comments
 21 prior to July 27th deadline in writing.

22 Basically, the City of Fremont supports
 23 the proposed PG&E alignment. We are not in support of
 24 the two alternative alignments: the I-880 A and the
 25 I-880 B routes.

26 The City of Fremont wants to stress that
 27 the environmental impacts of the two proposed alternate
 28 routes I-880 A and B are very similar to the

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1 proposed project because they cross similar habitat
2 types. The applicant, PG&E has also submitted
3 documentation that questions that there's any evidence
4 that the project would increase the risk of bird
5 collisions and identifies effective mitigation if that
6 is indeed an issue.

7 The EIR states that the hydrology and water
8 quality impacts are nearly identical with respect to
9 the I-880 A alternative and the project. Impacts from
10 the I-880 B alternative are worse than the proposed
11 project with potential impacts to the Alameda County
12 Flood Control Channel.

13 In terms of traffic the EIR states Alternative
14 I-880 B would likely have greater adverse impacts
15 because the number of roadway crossings would increase
16 significantly.

17 The EIR identifies visual impacts related to
18 the proposed project. However there's very little
19 analysis of the visual impacts of the alternatives and
20 the City of Fremont disagrees with the conclusions of
21 the EIR. There will be significant visual impacts of
22 new towers along long stretches of the corridors along
23 I-880 in both alternatives A and B.

24 There will be significant impact to landscaped
25 areas of existing business parks along Cushing Parkway
26 and Lakeview Boulevard.

27 In summary, the City of Fremont questions that
28 there are substantial differences between the proposed

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