

Decision 19-04-011 April 25, 2019

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of PACIFICORP (U901E), an Oregon Company, for a Permit to Construct the Lassen Substation Project Pursuant to General Order 131-D.

Application 15-11-005

DECISION GRANTING PACIFICORP A PERMIT TO CONSTRUCT THE LASSEN SUBSTATION PROJECT

Summary

This decision grants PacifiCorp a Permit to Construct the Lassen Substation Project. This proceeding is closed.

1. Proposed Project

PacifiCorp d/b/a Pacific Power (PacifiCorp) proposed the Lassen Substation Project to replace facilities built eighty-eight years ago in Mount Shasta, California. As there is insufficient space to rebuild and expand the existing Mt. Shasta Substation, the proposed Lassen Substation would be built on a parcel of land 275 feet east of the Mt. Shasta Substation site, on property owned by PacifiCorp. PacifiCorp's stated purpose is to construct a new substation to:

- (1) ensure all equipment and structures comply with current company, state, and federal standards, including the replacement of aging and non-standard equipment and the removal of sulfur hexafluoride (SF₆) distribution breakers;

(2) ensure a reliable ongoing electricity supply to the area currently served by the Mt. Shasta Substation; and (3) facilitate regional bulk transmission voltage stability and improve bulk power transfer across the region.

The proposed Lassen Substation Project would consist of four elements:

(1) Construction of the Lassen Substation; (2) Transmission Upgrades; (3) Distribution Upgrades; and (4) Removal of the Mt. Shasta Substation. A brief summary of each element of the Lassen Substation Project (Proposed Project) is provided below.

1.1. Construction of the Lassen Substation

The proposed Lassen Substation will be a new 69/12.5 kilovolt (kV) low-profile electric substation located on a 4.5 acre site owned by PacifiCorp on South Old Stage Road, which is about two-thirds of a mile southwest of the city and 900 feet west of I-5. The substation will use approximately 1.4 acres of the site encompassed by an eight foot high chain-link fence with visual slat screening, and barbed-wire extensions for security, around the substation. The substation will be surfaced with gravel to reduce the migration of oil spills and additional engineered methods (*e.g.*, concrete berms, petro barriers) will prevent any spills from leaving the new substation site.

1.2. Transmission Upgrade

The Proposed Project will result in PacifiCorp replacing thirty-six wood poles over approximately 1.5 miles. The current poles support a 69 kV transmission line that transports most of the electrical power into and out of the existing Mt. Shasta Substation (Line 2). The replacement poles for Line 2 will be designed and built to allow for operating within a 115 kV transmission system (the proposed, and in many locations the current, voltage for PacifiCorp's electrical system in the region) with a distribution under-build. The replacement

poles would be a higher pole class to remove and avoid sag in the transmission line and comply with Commission rules (General Order 95). The poles will be placed immediately adjacent to existing poles within PacifiCorp's existing right-of-way, and the old poles will be cut off at ground level. Three new transmission poles will be constructed to connect Line 2 to the new Lassen Substation.

1.2.3 Distribution Upgrade

Approximately 1,200 feet of underground power line duct bank (to increase the capacity of an existing underground distribution line) will be installed to connect the distribution circuits to the Lassen Substation. The distribution lines in the area will be upgraded from 4.16 kV lines to 12.47 kV lines that will be configured to receive supply from three new breakers at the Lassen Substation.

1.2.4. Removal of the Mt. Shasta Substation

As the wooden support structure of the Mt. Shasta Substation is deteriorating and much of the equipment is obsolete, once the Lassen Substation is operational, the above-ground equipment within the existing Mt. Shasta Substation will be removed. Before removal, the soil, conduit, equipment, and steel structures will be tested for environmental hazards (*e.g.*, oil, lead based paint, and asbestos). All hazardous materials will be abated in accordance with applicable federal, State, and local regulations before, or as part of, the removal process.

Removal will including disconnecting and removing all of the equipment including the transformer, breakers, regulators, disconnect switches, fuses, the station light and power transformer, and control cabinets. Oil-filled equipment, such as transformers, will be transported to PacifiCorp's Service Center in

Medford, Oregon. Other equipment and waste materials will be disposed of according to State and federal regulations. The existing Mt. Shasta Substation concrete foundation and gravel will remain after removal of the substation and all below-ground facilities will remain in place.

2. Procedural Background

PacifiCorp filed this application on November 2, 2015. On November 23, 2015, PacifiCorp filed compliance documents including declarations of advertising, postings, and mailings to affected governmental bodies and property owners giving notice of the application, as required by General Order (GO) 131-D, Section XI.A. On December 7, 2015, PacifiCorp filed amended compliance documents including declarations re-noticing the application with the correct street name for the location of the project.

A protest was filed on December 7, 2015, by Victoria Ann Gold. On that date, Mt. Shasta Tomorrow emailed some members of the service list a document labeled as a protest of the application. PacifiCorp filed a response to both protests on December 17, 2015. A December 30, 2015, ruling by the Administrative Law Judge directed Mt. Shasta Tomorrow to properly file and serve its protest by January 20, 2016. Mt. Shasta Tomorrow complied with that ruling and was granted a filing date of December 7, 2015, in accordance with the Administrative Law Judge ruling. On February 1, 2016, Mt. Shasta Tomorrow filed an amended protest to include "Attachment 1" with its protest.

On July 15, 2016, PacifiCorp submitted an amendment to its application. PacifiCorp had proposed as part of its distribution upgrade to remove an existing underground circuit located in Caltrans culverts perpendicularly crossing under Interstate-5 (I-5) and replace it with a new overhead circuit over I-5 north of the new Lassen Substation. In its amendment, PacifiCorp proposes

that it would construct a new underground cable facility crossing under I-5 instead of the overhead circuit over I-5, and replace the two distribution poles at each end of the new underground facility with higher class poles. On July 28, 2016, PacifiCorp filed compliance documents including declarations of advertising, postings, and mailings to affected governmental bodies and property owners giving notice of the amended application, as required by General Order (GO) 131-D, Section XI.A.

On August 17, 2016, the Public Advocates Office of the California Public Utilities Commission (Cal Advocates) filed a Motion for Party Status that was granted by an Administrative Law Judge Ruling on August 30, 2016.¹ On November 23, 2016, the Commission released a Notice of Intent (NOI) to Adopt a Mitigated Negative Declaration (MND) for the Lassen Substation Project, showing that the Proposed Project, as mitigated, would not have any significant effects on the environment. The Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) was circulated for public review, in compliance with the California Environmental Quality Act (CEQA) and Commission Rule 17.1. During the 30 day public review period following the release of the NOI and ending on December 23, 2016, fifty-nine comment letters were received. In addition, on December 7, 2016, at Mount Shasta Elementary School, the Commission's Energy Division held a public meeting to receive public input on the Draft IS/MND.

On December 23, 2016, the Commission's Energy Division filed a Notice of Completion with the Governor's Office of Planning and Research

¹ The Office of Ratepayer Advocates was renamed the Public Advocates Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

(State Clearinghouse) initiating a 30-day public review period. Additionally, on December 23, 2016, the Commission published a Notice of Intent to Adopt a Mitigated Negative Declaration for PacifiCorp's Permit to Construct. The Draft IS/MND was distributed to federal, state, and local agency representatives; property owners within 300 feet of the Proposed Project; and other interested individuals. The availability of the Draft IS/MND was noticed on the Commission's website and in local newspapers;² the document was made available on the Commission's website and hardcopies were available at a local library.

During the public review period for the Draft IS/MND, 60 comment letters were received. A few revisions were made to the Draft IS/MND to clarify and respond to comments. These comments were made during the public review period and are included and responded to in the Final Initial Study and Mitigated Negative Declaration (Final IS/MND), chapter 7.³ Despite these minor revisions, the Final IS/MND does not identify any new significant environmental impacts, and does not omit any existing mitigation measures from those identified in the Draft IS/MND.

A Prehearing Conference was held on September 18, 2017 pursuant to the notice issued on August 28, 2017. A Scoping Memo and Joint Ruling with Administrative Law Judge (Scoping Memo) was issued on February 28, 2018, setting forth the issues to be considered in this proceeding and the proceeding

² Local refers to the locality where the construction would take place - the Mount Shasta area.

³ The Energy Division issued the Final IS/MND on June 19, 2017. The Final IS/MND is hereby identified as Exhibit A and received into the record of this proceeding. The Final IS/MND, including the November 2017 errata and Appendix A responding to additional comments, is attached hereto as Attachment A.

schedule. Evidentiary Hearings were scheduled for April 23 and 24, 2018, however, no intervenor submitted direct testimony and thus the applicant did not submit rebuttal testimony pursuant to the schedule set forth in the Scoping Memo. On April 16, 2018, the Administrative Law Judge removed the evidentiary hearings from the calendar as no party asked for time to conduct cross-examination at the evidentiary hearing.

On June 8, 2018, twenty-seven members of the public provided input at a Public Participation Hearing held in Mount Shasta, California. Comments included both support and opposition to the project as well as comments about specific aspects of the project. Many opposed to the project did so as they viewed it as integrally linked to the development of a water bottling plant in Mount Shasta. A large number of comments sought to have the transmission and distribution lines undergrounded based on aesthetic or safety reasons. In addition, parties Victoria Gold and Mt. Shasta Tomorrow spoke at the Public Participation Hearing.

PacifiCorp filed its Opening Brief on June 19, 2018, and its Reply Brief on June 29, 2018. On June 20, 2018, Mt. Shasta Tomorrow filed a Motion to Admit into the Record Prepared Testimony and Exhibits. On July 11, 2018, PacifiCorp filed a Response to the Motion of Mt. Shasta Tomorrow to Admit Prepared Testimony and Exhibits. The schedule for this proceeding contemplated Mt. Shasta Tomorrow submitting its direct testimony by March 19, 2018. Mt. Shasta Tomorrow did not serve any testimony on or before that date. Accordingly, PacifiCorp did not provide rebuttal testimony on April 2, 2018, and as no party sought cross-examination of the testimony served, the evidentiary hearings scheduled in this proceeding were removed from the calendar.

On February 7, 2019, the Administrative Law Judge issued a Ruling denying the Motion of Mt. Shasta Tomorrow to Admit Prepared Testimony and Exhibits. The Administrative Law Judge also noted that the Reply Briefs tendered by Mt. Shasta Tomorrow and Victoria Gold were properly rejected for filing as they both contained alleged information that is not part of the record of the proceeding. Neither Mt. Shasta Tomorrow nor Victoria Gold chose to resubmit their reply briefs without references to the information that is not part of the record of the proceeding.

Accordingly, the Motion of Mt. Shasta Tomorrow to Admit into the Record Prepared Testimony and Exhibits was denied. However, all of the information that was presented was considered as part of our overall CEQA review and a response included in Attachment A to this decision.

3. Scope of Issues

Pursuant to GO 131-D, in order to issue a Permit to Construct, the Commission must find that the project complies with CEQA. CEQA requires the lead agency to conduct a review of the project to identify environmental impacts and ways to avoid or mitigate environmental damage. These impacts and mitigation measures are considered in the determination of whether to approve the project or a project alternative. Here, the lead agency is the Commission. If the initial study finds no substantial evidence that the Proposed Project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a negative declaration or MND, subject to public notice and the opportunity for the public review and comment (CEQA Guidelines §§ 15070-15073).

Prior to approving the project or a project alternative, CEQA requires the lead agency to consider the MND and corresponding comments received during the public review process. The lead agency can adopt the MND only if it finds on the basis of the whole record, that there is no substantial evidence the project will have a significant effect on the environment, and that the MND reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15074(a)-(b)).

If the lead agency adopts a MND, CEQA also requires the lead agency to adopt a program for monitoring or reporting the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines § 15074(d)).

In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

The Commission's Energy Division has prepared a Final IS/MND for the Proposed Project. Accordingly, the following issues will be determined in this proceeding:

1. Is there no substantial evidence that the project, as revised pursuant to the Final MND and Mitigation Monitoring and Reporting Plan, will have a significant effect on the environment?
2. Was the MND completed in compliance with CEQA, and does the MND reflect the Commission's independent judgment?
3. Is the Proposed Project designed in compliance with the Commission's policies governing the mitigation of electromagnetic fields (EMF) effects using low-cost and no-cost measures?

4. Are there any safety issues pursuant to Public Utilities Code Section 451?
5. If the Proposed Project is delayed, are there additional mitigation measures that may be required to maintain electrical reliability in the Mount Shasta area?

4. Environmental Impacts

The California Environmental Quality Act (CEQA) requires the Commission to consider the environmental consequences of its discretionary decisions.⁴ In this proceeding, the Commission is the CEQA lead agency and is responsible for conducting the environmental review of the Proposed Project. Accordingly, we employed environmental consultants to prepare the Final IS/MND evaluating the Lassen Substation Project. The purpose of the Final IS/MND is to identify potentially significant environmental effects associated with the Lassen Substation Project, and to identify mitigation measures and alternatives that would minimize environmental consequences.

CEQA provides that agency approval of a project or an alternative may require modifications or mitigation measures to avoid significant effects on the environment. If significant impacts will remain after incorporation of feasible mitigation measures and alternatives, the agency must explain how project benefits outweigh significant effects on the environment. The Commission has not identified any potentially significant environmental effects that remain after incorporation of the identified mitigation measures. Therefore, adoption of the Final IS/MND will satisfy the requirements of CEQA and the Final IS/MND is certified by the Commission in this decision.⁵

⁴ Pub. Res. Code § 21000 et seq.

⁵ Pub. Res. Code § 21082.1(c)(3), CEQA Guidelines § 15090.

The Proposed Project will have either no significant impacts or less than significant impacts with respect to aesthetics,⁶ agriculture and forestry resources,⁷ air quality,⁸ cultural resources,⁹ geology and soils,¹⁰ greenhouse gas emissions,¹¹ land use and planning,¹² mineral resources,¹³ noise,¹⁴ population and housing,¹⁵ public services,¹⁶ recreation,¹⁷ transportation and traffic,¹⁸ and utilities and service systems.¹⁹

The Proposed Project has potentially significant impacts with respect to biological resources,²⁰ hazards and hazardous materials,²¹ and hydrology and water quality.²² However, with the implementation of the measures identified in

⁶ Final IS/MND at 5.1-3 - 5.1-35 (2017).

⁷ *Id.* at 5.2-1 - 5.2-8.

⁸ *Id.* at 5.3-1 - 5.3-29.

⁹ *Id.* at 5.5-1 - 5.5-16.

¹⁰ *Id.* at 5.6-1 - 5.6-13.

¹¹ *Id.* at 5.7-1 - 5.7-18.

¹² *Id.* at 5.10-1 - 5.10-15.

¹³ *Id.* at 5.11-1 - 5.11-4.

¹⁴ *Id.* at 5.12-1 - 5.12-15.

¹⁵ *Id.* at 5.13-1 - 5.13-7.

¹⁶ *Id.* at 5.14-1 - 5.14-7.

¹⁷ *Id.* at 5.15-1 - 5.15-3.

¹⁸ *Id.* at 5.16-1 - 5.16-9.

¹⁹ *Id.* at 5.17-1 - 5.17-8.

²⁰ *Id.* at 5.4-1 - 5.4-29.

²¹ *Id.* at 5.8-1 - 5.8-36.

²² *Id.* at 5.9-1 - 5.9-24.

the Lassen Substation Project Final MND Mitigation Measures, the potentially significant impacts can be reduced to less than significant levels.²³

Mt. Shasta Tomorrow submitted comments on the Final IS/MND in September 2017. A response to the comments was prepared and labeled as Appendix A. The comments highlighted minor errors in the Final IS/MND. Corrections to the Final IS/MND have been made and are listed in the Errata issued in November 2017 and included in Attachment A hereto. In addition, a July 2018 letter outlining the good faith effort to provide notification of the project to the Winnemem Wintu Tribe is included in Attachment A hereto. The comments raise no new important issues or potentially significant effects to the environment. The changes to the Final IS/MND do not qualify as substantial revisions as defined in Section 15073.5(b) of the California Environmental Quality Act Guidelines, and therefore do not require recirculation. Mt. Shasta Tomorrow's subsequent submissions of prepared testimony and exhibits and other documents are substantially similar to its September 2017 comments and raise no new important issues or potentially significant effects to the environment.

The Commission has reviewed all the comments received during the comment period on the Draft IS/MND and all of those received after, including statements made at the Public Participation Hearing, and the arguments and information provided in the proposed testimony of Mt. Shasta Tomorrow and the improperly tendered briefs of Victoria Gold and Mt. Shasta Tomorrow.

²³ The Lassen Substation Project Final MND Mitigation Measures, attached hereto as Attachment B, are hereby identified as Exhibit B and received into the record of this proceeding.

The Final IS/MND as adopted herein includes the Commission's good faith reasoned responses to comments, including written responses to each of the issues raised in comments on the Draft IS/MND. The Commission is not convinced it would be appropriate or accurate to include greenhouse gas emissions from end-user facilities that consume energy transmitted through electric infrastructure projects like the proposed project, and any such attempt to do so would double-count emissions. The Commission is not convinced that moving the electric lines underground would be superior aesthetically and there is no evidence to support that doing so would result in a safer system.²⁴ The Commission does not find any of the comments raise new, important issues related to significant impacts on the environment.

5. EMF

The Commission examined EMF impacts in several previous proceedings.²⁵ The scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs, and we did not find it appropriate to adopt any related numerical standards. Given the lack of scientific consensus regarding the potential health risks of EMF exposure and that CEQA does not define or adopt any standards to address the potential

²⁴ We do note that, as a general matter, additional actions may be required to ensure PacifiCorp constructs, maintains, and operates its electrical lines and equipment in a manner that will minimize the risk of catastrophic wildfire posed by those electrical lines and equipment. The lack of evidence in this proceeding, relating to this project, does not bear upon consideration of broader questions regarding the risk of catastrophic wildfire posed by electrical lines and equipment. If parties have evidence to present with respect to the safe operation of electrical lines and equipment they may choose to do so in other proceedings before the Commission. *See, e.g.,* R.18-10-007.

²⁵ *See, e.g.,* D.06-01-042 and D.93-11-013.

health risk of EMF exposure, the Commission does not consider EMFs in the context of CEQA or environmental impact determination.

However, recognizing that public concern remains, we do require, pursuant to GO 131-D, Section X.A., that all requests for a Permit to Construct include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the Proposed Project. The Commission developed an interim policy that requires utilities to identify the no-cost and the low-cost measures implemented to reduce potential EMF impacts. The benchmark established for low-cost measures is four percent of the total budgeted project cost that results in an EMF reduction of at least 15 percent.²⁶

In accordance with Section X.A. of GO 131-D, D.06-01-041, and the EMF Design Guidelines (EMF Guidelines) for Electrical Utilities, the applicant must prepare a Substation Field Management Plan (FMP) Checklist. The FMP Checklist is for substation projects and identifies the no-cost and low-cost EMF reduction measures that will be installed as part of the final engineering design for the project. The Substation FMP Checklist for this project proposes the following measures to reduce the EMF levels from the substation's facilities:

- Increase the substation property boundary by extending the proposed substation's fence line on the west side of the substation where the 115 kV circuit would enter the substation.
- Increase the height of the poles supporting the existing 69 kV and 12.47 kV circuits to reduce EMF strength at ground level.

²⁶ Measured from the edge of the utility's right-of-way.

This design complies with PacifiCorp's EMF Guidelines prepared in accordance with the Commission's EMF decisions D.93-11-013 and D.06-01-042.²⁷

6. Comments on Proposed Decision

The proposed decision of ALJ in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on March 18, 2019 by Mt. Shasta Tomorrow, and reply comments were filed on March 25, 2019, by PacifiCorp.

The comments of Mt. Shasta Tomorrow failed to follow our rules of service (as of March 25, 2019, neither the Administrative Law Judge nor the persons working for PacifiCorp were served with the comments in a manner required by Rules 1.9 and 1.10) and its alleged errors did not make specific references to the record (Rule 14.3(c)), and thus should not be afforded any weight. However, as we have done throughout this proceeding, we overlook its procedural deficiencies so that we may consider the substance of Mt. Shasta Tomorrow's comments. In reviewing comments of Mt. Shasta Tomorrow, we find no basis to reject or modify the proposed decision.

Mt. Shasta Tomorrow has been afforded many opportunities to participate in both the environmental review process and the administrative process before the Commission.

There is no basis for Mt. Shasta Tomorrow's claim that the Commission did not consider or respond to its comments about the Project's environmental impacts. Mt. Shasta Tomorrow's concerns about the project's environmental

²⁷ Application of PacifiCorp (U 901 E) for a Permit to Construct the Lassen Substation Project, A. 15-11-005 (November 2, 2015) (Application), pp. 8-10, and Exhibit C, at 14-17.

impact were addressed in a separate document that is included in Attachment A to this decision.

There is also no basis for Mt. Shasta Tomorrow's claim that it had not notice that its proposed testimony and exhibits were not suitable for consideration. As explained by the Administrative Law Judge in his February 7, 2019 ruling, Mt. Shasta Tomorrow failed to timely present its proposed testimony. PacifiCorp objected to allowing the late served testimony of Mt. Shasta Tomorrow into the record as it had no opportunity to cross-examine the proposed witness or submit rebuttal testimony. Mt. Shasta Tomorrow has been given many opportunities to cure and address procedural deficiencies throughout out consideration of this application. However, we cannot allow it to unfairly disadvantage other parties through its failure to follow the clear instructions with respect to the schedule of this case. Mt. Shasta Tomorrow had no reason to believe its motion to admit into the record its prepared testimony and exhibits would be accepted, and it made no effort to respond to the objection raised by PacifiCorp. Mt. Shasta Tomorrow knew its proposed testimony and exhibits "were not suitable for consideration" when PacifiCorp objected to their acceptance in July 2018.

Finally, there is no basis to the claim that the Commission did not consider the information in Mt. Shasta Tomorrow's Reply Brief. As explained in the February 7, 2019 Administrative Law Judge Ruling, Mt. Shasta Tomorrow was instructed to resubmit its reply briefs without the additional, extra-record information. Mt. Shasta Tomorrow chose not to resubmit its reply briefs. However, the Administrative Law Judge explained that all of the information that was presented was considered as part of our overall California Environmental Quality Act (CEQA) review. The reply brief of Mt. Shasta

Tomorrow did not contain any new arguments of fact or law. All of Mt. Shasta Tomorrow's arguments in its reply brief were covered within our CEQA review. Mt. Shasta Tomorrow's concerns about the project's environmental impact were addressed in a separate document that is included in Attachment A to this decision.

7. Assignment of Proceeding

Michael Picker is the assigned Commissioner and Robert W. Haga is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The Proposed Project will have either no impact or less than significant impacts with respect to aesthetics, agriculture and forestry resources, air quality, cultural resources, geology and soils, greenhouse gas emissions, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.
2. The Proposed Project has potentially significant impacts with respect to biological resources, hazards and hazardous materials, and hydrology and water quality. However, with the implementation of the measures identified in the Lassen Substation Project Final MND Mitigation Measures, the potentially significant impacts can be reduced to less than significant levels.
3. The Final Initial Study and Mitigated Negative Declaration was completed in compliance with the California Environmental Quality Act.
4. The Commission has reviewed and considered the information contained in the Final Initial Study and Mitigated Negative Declaration.
5. The Final Initial Study and Mitigated Negative Declaration reflects the Commission's independent judgment and analysis.

6. The Lassen Substation Project is designed in compliance with the Commission's policies governing the mitigation of electromagnetic fields effects using low-cost and no-cost measures.

7. No evidence of any safety issue was identified in the record of this proceeding.

Conclusions of Law

1. PacifiCorp should be granted a Permit to Construct the Lassen Substation Project in conformance with the Mitigation Measures attached to this order.

2. The California Environmental Quality Act (CEQA) requires that, prior to approving the project or a project alternative, the lead agency must certify that the Final Initial Study and Mitigated Negative Declaration was completed in compliance with CEQA, that it reviewed and considered the Final Initial Study and Mitigated Negative Declaration prior to approving the project, and that the Final Initial Study and Mitigated Negative Declaration reflects our independent judgment.

3. The Final IS/MND should be certified by the Commission in this decision.

4. This proceeding should be closed.

5. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. The applicant, PacifiCorp, is granted a Permit to Construct the Lassen Substation Project in conformance with the Mitigation Measures attached to this order.

2. The Final Initial Study and Mitigated Negative Declaration attached as Attachment A is adopted and received into the evidentiary record.

3. The Final Mitigated Negative Declaration Mitigation Measures attached as Attachment B is adopted and received into the evidentiary record.

4. The Energy Division may approve requests by PacifiCorp for minor project refinements that may be necessary due to final engineering of the Lassen Substation Project so long as such minor project refinements are located within the geographic boundary of the study area of the Final Mitigated Negative Declaration and do not, without mitigation, result in a new significant impact based on the criteria used in the environmental document; conflict with any mitigation measures or applicable law or policy; or trigger an additional permit requirement. PacifiCorp shall seek any other project refinements by a petition to modify this decision.

5. Application 15-11-005 is closed

This order is effective today.

Dated April 25, 2019, at San Francisco, California.

MICHAEL PICKER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners

Due to the size of the attachment. Here's the link

<https://cs.cpuc.ca.gov/otcs/livmlink.exe?func=ll&objaction=overview&objid=288379387>