

PUBLIC UTILITIES COMMISSION505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

June 15, 2012

Rebecca W. Giles
Regulatory Case Manager
San Diego Gas & Electric Company
8330 Century Park Court, CP32D
San Diego, CA 92123**RE: Review of San Diego Gas & Electric Company's Application (A. 12-05-020) for a Certificate of Public Convenience and Necessity for the South Orange County Reliability Enhancement Project**

Dear Rebecca:

The Energy Division of the California Public Utilities Commission has completed its first review of San Diego Gas & Electric Company's (SDG&E's) project application (A. 12-05-020).

Section 15100 of the California Environmental Quality Act requires the agency responsible for the certification of a proposed project to assess the completeness of the project proponent's application. The Energy Division uses the Commission's Proponent's Environmental Assessment (PEA) Checklist (Working Draft), among other resources, as the basic guide for determining the adequacy of the project application.

After performing its review of SDG&E's application and PEA for the South Orange County Reliability Enhancement Project (SOCRE Project), the Energy Division finds that the information contained in the environmental assessment is currently incomplete. Attached is a list of items and issue areas of the PEA that were found to be deficient. Additional information submitted in accordance with this letter should be filed as supplements to the above application. We request that responses to these items be provided to us within two weeks (no later than June 28, 2012).

Upon receipt of the supplemental information, the Energy Division will perform a second review to assess the adequacy of the data submitted, a determination of the adequacy of the application will once again be issued.

The Energy Division reserves the right to request additional information at any point in the process. Questions relating the SOCRE project should be directed to me at (415) 703-3221.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Barnsdale".

Andrew Barnsdale
Energy Division
California Public Utilities Commission

DEFICIENCIES IN THE SOCRE PROJECT PROPONENT'S ENVIRONMENTAL ASSESSMENT

Section 3.0, Proposed Project Description

Distribution Lines

Section 3.4.4, Distribution Lines, of the PEA discusses alterations to distribution lines and substation equipment that would be components of the proposed project, but also indicates that, because the CPUC "does not regulate distribution infrastructure," the potential impacts of these project components are not analyzed within the PEA document. A fuller description of these components, and an analysis of their impacts, is required to be included as part of the PEA.

Per the CEQA Guidelines, the preparation of an EIR is required when substantial evidence supports a fair argument that the overall project, not the individual project elements, may have a significant effect (CEQA Guidelines Section 15064(f)).¹ A too-narrow definition and analysis of project components can result in piecemealing, or the "fallacy of division," in which case the details of the project and the total impact of the project are not disclosed accurately.² Although the individual parts of a project may themselves have a minor or minimal impact on the environment, such impacts taken as a whole could result in a significant impact.³ For these reasons, the current PEA is deficient, and a supplement that includes a complete analysis of the impacts of the distribution and substation components that are acknowledged to be part of the proposed project is required.

Telecommunications Components

Throughout Section 3.0 of the PEA, several references are made regarding the installation of telecommunications (fiber optic) cable, but a full discussion of the existing telecommunications system along the project route, or whether additional fiber optic routes would be required by the project, is not included. In order to accurately assess the full project footprint, this information, including a description of any additional telecommunications route components that would be required for the project, is required in order to complete the applicant's PEA.

Helicopter Use

The PEA includes conflicting and incomplete information regarding the use of helicopters during construction of the proposed project. On page 4.14-28, the PEA indicates that "helicopters may be used as a construction tool during the stringing of overhead conductor cable and other transmission line construction activities associated with the Proposed Project for proposed Pole Nos. 11 through 14." On page 3-83, the PEA indicates that "helicopters may be used during the erection of Pole Nos. 10-14." In addition, page 3-84 of the PEA indicates that "Helicopter activities will be staged out of existing airports where possible," but does not indicate which existing airports would be used for helicopter staging.

¹ *Arviv Enterprises, Inc. v. South Valley Area Planning Commission* (2nd Dist. 2002) 101 Cal. App. 4th 1333,1346, 1347 [125 Cal. Rptr. 2d 140]

² *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal.App.3d 577, 592 [284 Cal.Rptr. 498]

³ *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 283- 284 [118 Cal.Rptr. 249, 529 P.2d 1017]. Per this decision, "environmental considerations do not become submerged by chopping a large project into many little ones – each with a minimal potential impact on the environment – which cumulatively may have disastrous consequences."

Further information regarding helicopter operations is necessary to complete the applicant's PEA, and the following supplemental information is required:

1. Confirmation of which poles (poles 10-14 or 11-14) would be installed as part of the project;
2. Which of the existing poles would be removed using helicopters;
3. If different types of helicopters are to be used, describe each type (e.g., light, heavy or sky crane) and what activities they will be used for; and
4. Which existing airports would be used for staging of helicopters used during project construction.

Access Roads

In order to accurately describe and assess the entire proposed project footprint and area of disturbance, a description of the access roads that would be modified or constructed is required to complete the applicant's PEA. The PEA includes general discussions indicating that access roads would be used, modified and created during construction of the proposed project, and Figure 3-7 shows existing access roads in the project area, but the PEA does not clearly identify areas where existing roads would be improved or where new access roads would be required. In order to correct this deficiency, supplemental information identifying the location of any road widening and other improvements, as well as new access/spur roads that would be required for the project, is required. This information should be submitted either as an addition to Figure 3-7 (additional map layer), or as a new PEA figure, as well as in the form of GIS data. A textual description of these components is also required.

Summary of Proposed Project Disturbance Areas

Table 3-12 in Section 3 quantifies and summarizes the temporary and permanent disturbance represented by the project; however, the information in this table is incomplete, and may conflict with other information presented in the PEA. The table indicates that the total area of temporary construction disturbance for the transmission lines project component would be 9.66 acres. However, the PEA indicates on page 3-100, in Section 3.5.4.3, Pole Sites, that the installation of the new 230-kV steel poles would require a disturbance area of approximately 150 feet by 150 feet (or 22,500 square feet) for each pole site. The PEA indicates that 25 new 230-kV poles would be installed as part of the project. Using the estimate of approximately 22,500 square feet of disturbance that would be required for the installation of each of these poles, the approximate total disturbance represented just by these 25 poles would be approximately 12.9 acres, an area greater than the 9.66 acres shown in the table for the disturbance related to installation of all of the project poles. This indicates that either the estimates of project disturbance shown in Table 3-12 are inaccurate, and/or other errors exist in the PEA regarding the estimates of disturbed area that would result from the project. Accurate information regarding the total area of project disturbance as well as the disturbance represented by each project component is required for an accurate analysis of the impacts of the proposed project to biological and other resources.

The following supplemental information is required to complete the applicant's PEA:

1. Review and correction, as necessary, of the estimates of project disturbance shown in Table 3-12;
2. Include an estimate/breakdown of disturbance related to trenching and other disturbance (as opposed to construction staging or other activities that would not require excavation);
3. Include an estimate/breakdown of disturbance related to installation of poles, and pole removal, as two distinct categories; and
4. Include an estimate/breakdown of temporary and permanent disturbance that would be associated with new access/spur roads that would be required for the project.

Volumes of Excavation and Fill

The PEA includes discussions of excavation and fill activities that would take place during project construction, but does not include estimates of the total volume (cubic yards) of excavation and fill that would be associated with each project component. In order to fully assess the impacts of the project on biological and other resources, this information is required to complete the applicant's PEA.

Applicant Proposed Measures

Table 3-18 lists the Applicant Proposed Measures that would be implemented for the project. Some of the APMs are not specific enough to draw conclusions about their ability to provide adequate mitigation for potential impacts. Phrases used such as "make an effort," "to the extent feasible," and "will be returned to an approximate pre-construction state" leave in question what is being proposed, and how to measure the effectiveness of the action. These statements are required to be clarified or corrected in order to complete the applicant's PEA. Some examples are the following:

- APM AES-1:** Clean Construction Work Areas. SDG&E will make an effort to keep construction activities as clean and inconspicuous as practical.
- APM NOISE-1:** Any endeavors during the construction phase wherein nighttime and weekend activities are necessary (such as due to Caltrans transportation constraints for oversized/overweight loads), will be limited to the extent feasible so that noise will not exceed the pertinent maximum noise level limits or the hourly L50 limits when measured at the nearest residential property. For example, to minimize potential noise disturbances during nighttime deliveries of transformers, the Applicant will make every reasonable effort to minimize the duration of trucking activities at the project site. This will entail pulling the delivery vehicle onto the project site, parking it overnight, and unloading/installing the item(s) during normal, daytime construction hours. If nighttime or weekend activities cannot be conducted to meet the city's noise standards, SDG&E will communicate the exception to the City of San Juan Capistrano in advance of conducting the work that may exceed the threshold(s). This APM is consistent with the conditions deemed acceptable by the CPUC for the similar situation at the Silvergate Transmission Substation Project.
- APM PS-2:** All recreational facilities that are physically impacted during construction activities will be returned to an approximate pre-construction state, allowing for SDG&E operation and maintenance activities, following the completion of the Proposed Project. SDG&E will make replacements of any public damaged or removed equipment, facilities, and infrastructure, in a timely manner.

Section 4.7, Hazards and Hazardous Materials

Fire Plan

In the discussion under Section 4.7.4.9 (Question 7.h), the PEA states that, "As part of the proposed project and consistent with ESP 113.1, SDG&E would implement a project-specific fire plan to assist in safe practices to prevent fires [in] the Proposed Project area." The PEA further indicates that the project-specific fire plan is incorporated into the proposed project. The fire plan, or complete details of the contents of the fire plan, are required to be included in the PEA in order to accurately assess the applicant's proposal to address fire risks and hazards in the project area, and to complete the applicant's PEA.

ADDITIONAL ITEM

The following item, while required for the complete analysis of the environmental impacts of the proposed project, is not required to supplement the current PEA. In other words, the absence of the following item does not result in a deficiency in the PEA, but the applicant is requested to submit this item along with the information requested above.

Section 1.0, PEA Summary

San Juan Capistrano Substation Wall Design Charrette

Page 1-11 of the PEA refers to a design charrette held April 18, 2012 to identify an architectural design theme for the San Juan Capistrano Substation wall. Per the PEA, "Input received during the design charrette is being incorporated into the architectural style for the substation wall." Please submit any designs, plans, elevations, and/or simulated views of the San Juan Capistrano Substation wall that were revised as a result of this charrette, as well as any textual materials from the charette indicating community values and goals related to the appearance of the San Juan Capistrano Substation wall.