APPENDIX A
Scoping Report

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MOORPARK-NEWBURY 66 KV SUBTRANSMISSION LINE PROJECT

Scoping Report

SCH No. 2014031073

Prepared for
California Public Utilities Commission

July 2014

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SCOPING REPORT

Moorpark-Newbury 66 kV Subtransmission Line Project

1. Introduction

On October 2, 2008, Southern California Edison Company (SCE) filed Advice Letter 2272-E, notifying the California Public Utilities Commission (CPUC) of SCE's proposed construction of the Moorpark-Newbury 66 kV Subtransmission Line Project (Project). Advice Letter 2272-E explained that the Project would be exempt from Permit to Construct (PTC) requirements pursuant to General Order (GO) 131-D, Section III, Subsection B.1.g. (Exemption g.). In response to protests to the Advice Letter, the CPUC issued Executive Director's Action Resolution E-4225 in February 2009, which found that the Project qualified for Exemption g, and the protests were dismissed. Resolution E-4225 was then appealed. In September 2009, the CPUC held a public participation hearing where comments from the public were received. Following the hearing, Resolution E-4243 was approved by the Commission at a Business Meeting in March 2010. As approved, Resolution E-4243 affirmed the findings of the previously issued Resolution E-4225, found that the Project qualified for Exemption g, and dismissed the protests.

However, in April 2010, several individuals filed an Application for a Rehearing of the Commission's approval of Resolution E-4243. Because that Application for Rehearing did not request a stay of construction, and because the CPUC did not issue a stay of construction, SCE informed the CPUC Energy Division that it planned to start construction of the Project in fall 2010. Construction of the Project commenced in October 2010, with a planned operational date of June 2012. However, in November 2011, all construction activity was halted due to the issuance of CPUC Decision 11-11-019 (D.11-11-019). This decision ordered SCE to cease construction activity, provide certain specified information, and file a PTC Application if it wishes to build the Project.

SCE has filed an application (A. 13-10-021) with the CPUC in October 2013 for a PTC the remaining portions of the Project that have yet to be constructed. Based on its review of the application and the Proponent's Environmental Assessment (PEA), the CPUC decided to prepare an Environmental Impact Report (EIR) for the Project. The CPUC formally began the process of determining the scope of issues and alternatives to be evaluated in the EIR (a process called "scoping") when it issued a Notice of Preparation (NOP) of an EIR for the Project on March 26, 2014.

The NOP initiated agency consultation about the scope and content of information to be analyzed in the EIR and invited early public input about potential environmental concerns (Pub. Res. Code § 21080.4(a); CEQA Guidelines §§ 15082(b), 15083). CEQA Guidelines Section 15083 provides that a "Lead Agency may…consult directly with any person…it believes will be concerned with the environmental effects of the project." Scoping is the process of early consultation with the affected agencies and public prior to completion of a Draft EIR. Section 15083(a) states that scoping can be "helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important." Scoping is an effective way to bring together and consider the concerns of affected State, regional, and local agencies, the project proponent, and other interested persons (CEQA Guidelines § 15083(b)).

This Scoping Report provides an overview and a summary of the written and oral comments provided by agencies and individuals during the scoping period, a 30-day period which closed on April 25, 2014. The CPUC will use this Scoping Report as a tool to ensure the preparation of a comprehensive EIR tailored to agency and community concerns. Pursuant to CEQA Guidelines Section 15082, all public comments will be considered in the EIR process.[1]

2. Description of the Project

2.1 Project Summary

The remaining portions of the Project that have yet to be constructed consist of the following primary elements:

- Installation of approximately 500 feet of new underground 66 kV subtransmission line and a new line position in the 66 kV switchrack entirely within Moorpark Substation.

- Installation of two tubular steel pole (TSP) foundations, four TSPs, the upper portion of one TSP, and approximately 5 miles of conductor on the new and previously installed TSPs along the new Moorpark-Newbury 66 kV Subtransmission Line on the south and east sides of SCE's existing Moorpark-Ormond Beach 220 kV right-of-way (ROW).

- Installation of eight TSP foundations, 13 double-circuit TSPs, approximately 3 miles of conductor on the new Moorpark-Newbury 66 kV Subtransmission Line, and reconductor 3 miles of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line. Both of these transmission lines would be collocated on the new double-circuit TSPs. In addition, 14 existing lattice steel towers (LSTs) would be removed along this 3-mile section.

- Installation of approximately 0.5 mile of conductor for the new Moorpark-Newbury 66 kV Subtransmission Line to be collocated with the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line on previously installed lightweight steel (LWS) poles into Newbury Substation. In addition, four TSP foundations, four TSPs, two LWS poles, and a new 66 kV subtransmission line position would be installed, and six wood poles would be removed at Newbury Substation. The existing subtransmission, distribution, and telecommunications facilities would be transferred onto the new TSPs and LWS poles.

[1] Comments not within the scope of CEQA will not be addressed through the CEQA process.

2.2 Project Location

The Project would be located in the cities of Moorpark, Thousand Oaks, and a portion of unincorporated Ventura County, California. The proposed subtransmission line elements have been subdivided into four geographically-defined Project Sections to facilitate the CEQA analysis. Project Section 1 includes all work conducted within the fence line at Moorpark Substation. Project Section 2 spans from Moorpark Substation to near the border of the City of Thousand Oaks; most of Project Section 2 is located in unincorporated Ventura County (including the Santa Rosa Valley) with a small portion in the City of Moorpark. Project Section 3 spans from just north of the City of Thousand Oaks border to a point within Conejo Open Space Conservation Agency (COSCA) lands in the Conejo Canyons area; the end of Project Section 3 is the point at which the subtransmission route changes direction from east to south. Project Section 4 spans from the end of Project Section 3 to the termination of the Project infrastructure within Newbury Substation in the City of Thousand Oaks. For an illustration of the Project Sections, refer to NOP Figure 1, *Site Location Map* (see Appendix A).

3. Scoping Process

3.1 Notification

On Wednesday, March 26, 2014, the CPUC published and distributed an NOP to solicit input from federal, State, and local agencies on the scope and content of information to be considered in the EIR for the Project. A copy of the NOP was sent to the State Clearinghouse of the Office of Planning and Research, which assigned 2014031073 as the Project's unique State identification number. The NOP was also sent directly to property owners within 300 feet of the Project routes, responsible and trustee agencies, individuals that had previously shown interest in the Project, and parties of the Proceeding. The NOP described the Project, included a map showing the location of proposed components of the Project, identified potential areas of environmental impacts, and provided notice for a public participation workshop and Scoping Meeting that was held in Santa Rosa Valley on April 10, 2014. A copy of the NOP is provided in **Appendix A**.

The CPUC also posted newspaper legal advertisements announcing the release of the NOP and the date for the public participation workshop and Scoping Meeting. The announcements were also posted on the CPUC's website. The CPUC published legal advertisements in the Ventura County Star on March 28, 2014, and April 4, 2014. Copies of the newspaper notices are provided in **Appendix B**. An electronic copy of the NOP also was posted on the CPUC's website established for the Project at:

http://www.cpuc.ca.gov/Environment/info/esa/Moorpark_Newbury/index.html.

3.2 Opportunities for Comment

3.2.1 Public Workshop and Scoping Meeting

The CPUC conducted an educational workshop and Scoping Meeting on Thursday, April 10, 2014, at Santa Rosa Technology Magnet School, located in Santa Rosa Valley at 13282 Santa Rosa Road, Camarillo, California. The workshop and Scoping Meeting was held from 6:30 p.m. until 8:30 p.m. Thirty-eight members of the public attended. Michael Rosauer of the CPUC; Michael Manka, Matt Fagundes, and Allison Chan of Environmental Science Associates (ESA), consultant to the CPUC, also attended. The sign-in sheet from the Scoping Meeting is provided in **Appendix C**.

Meeting attendees were provided materials including written comment forms and speaker cards. During the workshop, explanations were provided concerning participants and their roles, the CPUC's decision and environmental review process, and what opportunities exist for public participation. During the Scoping Meeting, a description of the Project to be analyzed in the EIR was provided, alternatives identified by SCE in its PEA were presented, the range of environmental issue areas to be addressed in the EIR were identified, ideas about other possible alternatives were solicited, next steps were outlined, and public comments were accepted. See **Appendix D** for a copy of the Public Workshop and Scoping Meeting presentation.

Definition of "Project"

At the conclusion of the Scoping Meeting, several members of the public expressed concern regarding the EIR Team's description of the proposed Project, which for the purposes of the CEQA review, does not include the parts of the project already constructed. At the meeting the CPUC agreed to reexamine the definition of the "Project" from a CEQA legal standpoint and provide the public with the results of the reexamination within the Scoping Report prior to the release of the Draft EIR.

Through consultation with the CPUC Staff Council, the CPUC Energy Division staff has determined that SCE's past Project-related activities and their associated environmental effects will be disclosed as part of the environmental baseline conditions described in EIR Chapter 2, *Background*. Chapter 3, *Project Description*, will include the description of SCE's Project. For CEQA purposes, the Project does not include SCE's prior activities. Chapter 5, *Environmental Analysis*, will examine the direct and indirect effects of the proposed Project, as described in Chapter 3, as well as the environmental effects of alternatives to the proposed Project based on the significance thresholds identified in CEQA Guidelines Appendix G. To the extent that SCE's past activities on the site are causing continuing impacts that could combine with those of the proposed Project, they will be considered in Chapter 6, *Cumulative Effects*.

3.2.2 Agency Consultation

Between December 2013 and April 2014, on behalf of the CPUC ESA contacted local agencies and officials, and resource agencies to offer information about the environmental review of the Project and solicit input on the scope of the EIR analysis. Agencies and officials contacted included: City of Moorpark Community Development Department, City of Moorpark Assistant City Manager, City of Thousand Oaks Community Development Department, City of Thousand Oaks Conejo Open Space Conservation Agency, County of Ventura Planning Department, Ventura County Air Pollution Control District, the Office of Ventura County Supervisor Parks, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife.

On behalf of the CPUC, ESA hosted a conference call on April 9, 2014, with the City of Thousand Oaks to receive input on the scope of the EIR analysis. During this conference call, the City of Thousand Oaks provided oral comments on the scope of the analysis to be considered in the Project EIR (see **Appendix E**). The U.S. Fish and Wildlife Service communicated its comments on the scope of the analysis directly to ESA's Biologist via electronic mail (see **Appendix E**).

4. Scoping Comments

Fifteen members of the public provided oral comments on the Project during the April 10, 2014, public Scoping Meeting (see **Appendix F**). The CPUC received additional comments in writing during the comment period. Copies of the written comments are provided in **Appendix G**. Commenting parties are listed in **Table 1** and summaries of the issues identified by the commenters are provided in Section 4.1, *Issues to be Considered under CEQA*, and Section 4.2, *Issues Not Analyzed under CEQA*.

4.1 Issues to be Considered under CEQA

The following discussions are summaries of the issues identified by the public that will be considered under CEQA in the EIR.

Project Description

- The EIR should evaluate environmental impacts from 2008, the point at which environmental review should have commenced. (Oral –Ventura County Board of Supervisors staff member)

- The EIR should include all components that were previously completed before the CPUC required the EIR. Components already completed have created environmental impacts including visual and agricultural impacts. (Written – Santa Rosa Valley Municipal Advisory Council)

TABLE 1
PARTIES THAT SUBMITTED SCOPING COMMENTS

Name	Organization/Affiliation	Date/Received Date
Oral Comments		
Sophia Pederson	Resident	April 10, 2014
Phil Pederson (on behalf of Dayne Hinojosa)	Resident	April 10, 2014
Nicole Hauth	Resident	April 10, 2014
Damon Wing	Ventura County Board of Supervisors staff member	April 10, 2014
Kevin Cannon	Resident, Santa Rosa Valley Municipal Advisory Council	April 10, 2014
Joe Barton	Resident	April 10, 2014
William Brandt	Resident	April 10, 2014
Nina Brandt	Resident	April 10, 2014
Krista Pederson	Resident	April 10, 2014
Kelly Hall	Resident	April 10, 2014
Peggy Ludington	Resident	April 10, 2014
Moana Dubois-Walker	Resident	April 10, 2014
Suzanne Comejo	Resident	April 10, 2014
Mark Burley	Resident, Santa Rosa Valley Municipal Advisory Council	April 10, 2014
Danalynn Pritz	Pritz & Associates	April 10, 2014
Written Comments		
Michael Penilla	Resident	April 12, 2014
Cathryn Andresen	Resident	April 17, 2014
Glen Longarini	Resident	April 17, 2014
Mark Burley	Santa Rosa Valley Municipal Advisory Council	April 18, 2014 and June 20, 2014
Betty Courtney	California Department of Fish and Wildlife	April 22, 2014
Dianna Watson	California Department of Transportation, District 7	April 21, 2014
Jeff Hargleroad	Resident	April 23, 2014
Stephen Fusci	Resident	April 23, 2014
David Tanner	Environmental and Regulatory Specialists, Inc. (EARSI)	April 23, 2014
Beverly Gutierrez	Hoffman, Vance & Worthington, Inc.	April 23, 2014
Michelle Lelande	Resident	April 23, 2014
Linda Parks	Ventura County Board of Supervisors, 2nd District	April 23, 2014
Vernon Dransfeldt	Resident	April 23, 2014
Joanna Orr	Reiter Affiliated Companies, LLC	April 24, 2014
Daniel Halpert	Resident	April 24, 2014
Krista Pederson[a]	Resident	April 24, 2014 and April 25, 2014
Peggy Ludington[a,d]	Resident	April 23, 2014 and April 24, 2014
Nina Brandt[a]	Resident	April 24, 2014

TABLE 1 (Continued)
PARTIES THAT SUBMITTED SCOPING COMMENTS

Name	Organization/Affiliation	Date/Received Date
Written Comments (cont.)		
William Brandt[a]	Resident	April 24, 2014
Ledvia Hinojosa[a]	Resident	April 24, 2014
Phil Pederson[a]	Resident	April 24, 2014
Greg Warwar[a]	Resident	April 24, 2014
Danalynn Pritz	Pritz & Associates	April 24, 2014 and April 25, 2014
Chad Walker[a]	Resident	April 24, 2014
Dayne Hinojosa[a]	Resident	April 24, 2014
Will Westerling	Resident	April 24, 2014
Kim Ramseyer[a]	Resident	April 24, 2014
Cheryle Potter[a]	Resident	April 24, 2014
James and Maree Porter[a]	Resident	April 25, 2014
Joe and Terri Barton[a]	Resident	April 25, 2014
Moana DuBois-Walker	Resident	April 24, 2014
Laura Hocking[b]	Ventura County Planning Division	April 25, 2014
Sergio Vargas, P.E.[b]	Ventura County Watershed Protection District	April 25, 2014
Alicia Stratton[b]	Ventura County Air Pollution Control District	April 25, 2014
Derrick Wilson[b]	Ventura County Integrated Waste Management Division	April 30, 2014
Christina Nepstad	Resident	April 25, 2014
Donald Walker[a]	Resident	April 25, 2014
Therese Walker[a]	Resident	April 25, 2014
Nicole Hauth[a,c]	Resident	April 25, 2014
Sharon Donnelly[a]	Resident	April 25, 2014
Alan and Peggy Ludington	Resident	June 1, 2014
Mark Burley	Santa Rosa Valley Municipal Advisory Council	June 1, 2014

[a] Commenters submitted the same letter. In Sections 4.2 and 4.3, below, comments from this latter are noted as follows at the end of each summary: "(Written – Community Letter)".
[b] Laura Hocking submitted letters from the Ventura County Watershed Protection District, Ventura County Air Pollution Control District, and Ventura County Integrated Waste Management Division. The letter from Ventura County Integrated Waste Management Division was received after the close of the scoping period.
[c] The file attached to the e-mail submitted by Nicole Hauth could not be opened. Because the file name was labeled "ESA community letter," this report assumes that the attached letter constitutes the community letter submitted by several other commenters.
[d] Peggy Ludington submitted two letters, one of which is the same as the "Community Letter," dated April 23, 2014.

- The EIR should evaluate the whole of the Project and the CPUC is allowing the Applicant to redefine the Project, to piecemeal the Project to reduce the Project's scope and thereby minimize environmental impacts, and to avoid and/or minimize compliance with CEQA. (Written – EARSI, D. Tanner; Written – P. Ludington; Written – Pritz & Associates)

- The CPUC failed to base the Project on Advice Letter 2272-E and the administrative record up to and including CPUC Decision 11-11-019, prior to deeming the Application complete. (Written – EARSI, D. Tanner)

- The definition of the Project is unclear in the Permit to Construct (PTC) application and in the NOP. The purpose of the Project (as described in the notice) is to "address forecasted overloads on a section of the existing line and to enhance reliability and operational flexibility," but the NOP states a different purpose. There is confusion regarding the purpose of the Project causing members of the public to be unable to properly assess the potential effects of the Project. (Written – EARSI, D. Tanner)

- If the CPUC determines that the Application is complete, the Project Description should include the following goals and objectives:

    - The Project will use best available technology to conserve energy and reduce GHG emissions;
    - The Project will avoid long-term visual impacts;
    - The Project will avoid impacts to sensitive flora and fauna;
    - The Project will avoid impacts to human health;
    - The Project will utilize the most cost effective technology to meet the Project goals and objectives; and
    - The Project will be designed in compliance with all applicable rules, regulations, and policies. (Written – EARSI, D. Tanner)

- The Project Description should include discussion about the Project's phasing and timeline. (Written – EARSI, D. Tanner)

- The EIR should identify the following to ensure adequate evaluation of the Project's effects on the environment and to identify alternatives that would reduce the Project's effects on the environment:

    - The analysis used to conclude that forecasted overloads would occur on the local area grid and type of loads projected;
    - The analysis used to conclude the Project would enhance reliability and operational flexibility;
    - Existing easement(s) entitling SCE to construct the Project in the proposed manner;
    - Any other planned uses or permitted improvements within the easement(s) that could be affected by the Project;
    - The EIR should explain the Project's administrative record including Advice Letter 2272-E and the administrative record up to and including CPUC Decision 11-11-019. The EIR should explain why the Project scope is limited to the remaining undeveloped portion of the Project and why prior environmental impacts resulting from past construction were not subject to CEQA.

- The EIR should explain why the Project is being piecemealed in light of the administrative record.
- The EIR should identify areas within the Project's ROW or easement(s) that are not available due to constraints.
- The EIR should explain the Project's relationship to the local area grid and identify any current or planned changes to the local area grid. (Written – EARSI, D. Tanner)

- The Project Description should identify Project Design Features. (Written – EARSI, D. Tanner)

- The construction methods typically employed at the crossing of Ventura County Watershed Protection District (District) jurisdictional red line channels are similar to horizontal directional drilling; the proposed methods of construction at channel crossings should be described in the project plans. The District should be consulted about proposed construction methods including setback from channel crossings, depth below invert for crossings, and geotechnical considerations. (Written - Ventura County Watershed Protection District)

- The EIR should identify whether the Project would result in any new drainage connections to the District's jurisdictional red line channels. (Written - Ventura County Watershed Protection District)

- The Project is one continuous project that was stopped because the CPUC granted a petition for rehearing. The order granting rehearing (filed 11/10/11) states that "any application for a permit to construct that is filed shall disclose the extent of any construction that has occurred and contain an evaluation on the effect of that construction on the permitting process." Since preparation of an EIR is necessary now, prior construction of the Project should be considered in the EIR, and by not considering the Project as a whole, the CPUC would be in violation of the order granting rehearing. (Written – Pritz & Associates)

- Since the initial project has not undergone environmental review and because environmental concerns previously raised have not been addressed, the project as a whole should be considered. The following documents state environmental concerns: (1) protest/objection to the proposed construction filed on October 21, 2008, (2) reply/objection to SCE's response letter dated October 31, 2008, filed on November 17, 2008, (3) the Appeal of Executive Director Action Resolution NO. E-4225, filed on March 15, 2009. (Written – Pritz & Associates)

- The Project Description should be redrafted to include all of the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise would effectively circumvent CEQA. (Written - Community Letter; Oral - P. Pederson on behalf of D. Hinojosa; Oral – Santa Rosa Valley Municipal Advisory Council)

- The "whole project" should include SCE's Master Plan. At a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark, and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public

hearing – this should be evaluated as part of its plan for the ROW. (Written-Community Letter)

- The forecast dates by which the new 66 kV lines must be energized to avoid overload are questionable and different dates are referenced in various documents. (Written – Community Letter)

- There is limited information regarding the projected loading on the Moorpark-Newbury-Pharmacy Line and the information that has been provided is overstated. (Written – A. and P. Ludington, and Santa Rosa Valley Municipal Advisory)

Alternatives

- The EIR should consider the following alternatives to the Project: (1) co-locating line with existing 220 kV lines in the same SCE easement, (2) undergrounding lines in the residential area for a ½ mile section, (3) placing lines farther away from homes than proposed. Such alternatives would be consistent with Ventura County's General Plan. (Oral – Ventura County Board of Supervisors staff member)

- The EIR should include a range of alternatives to ensure that alternatives to the Project are fully considered and evaluated. A range of alternatives that avoid or otherwise minimize impacts to sensitive biological resources including wetlands or riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate. Mitigation measures for Project impacts to sensitive habitats and animals should emphasize evaluation of alternatives that avoid or minimize project impacts. (Written - CDFW)

- Opposed to moving the subtransmission line from the east side of the existing 220 kV poles to the west side of the poles since there is a dramatic drop-off west of the existing towers, and would present safety issues. (Written - V. Dransfeldt)

- Opposed to undergrounding the power lines as installation could cause disruption to existing residents and farm operation along the Project alignment. (Written V. Dransfeldt)

- Opposed to moving the Project alignment west along the Gerry Road as it would impact farmland. (Written - V. Dransfeldt; Written W. Westerling)

- Opposed to the No Project Alternative; the power disruptions due to inadequate supply are already occurring, which would likely be exacerbated if the Project does not get constructed. (Written - V. Dransfeldt)

- Burying the power lines underground would effectively inhibit the ability to farm a portion of the property. (Written W. Westerling)

- The County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line (1,800 feet to the west). This alternative would relieve line stress and result in little or no environmental damage. This would be the environmentally superior alternative. Additional alternatives that should be analyzed in the EIR include:

    - Undergrounding. Undergrounding was dismissed for cost reasons.

- Renewable Energy Alternatives. SCE is required to produce 33 percent "clean" energy and a number of shopping malls in the Thousand Oaks/Newbury Substation service area utilize solar energy and the solar potential is equal to if not greater than Fontana.
- Energy Savings Programs Alternative. The EIR should examine the available energy saving programs like:
    a. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand;
    b. Programs for HVAC replacement and retrofits for older units; and
    c. Installation of approved cycling devices for commercial and newer homes (saves about 15 percent of use). (Written- Community Letter)

- All power upgrades or equipment replacements should be required to be buried under ground to avoid above ground safety risks, including health risk, electrical interference, and visual pollution. (Written – M. Penilla)

- Once the Project alignment crosses Santa Rosa Road (proceeding north), the alignment should be routed to the west side of the SCE right-of-way, where no residences are adjacent to the right-of-way. Once the Project alignment crosses Santa Rosa Road, the alignment should be underground until the northern property line of the commenter's residence. (Written – C. Andresen)

- The No Project Alternative with no impacts may represent the superior alternative. (Written – County of Ventura, Board of Supervisors)

- The EIR should evaluate alternatives to the Project which would reduce or eliminate one or more of the Project's potentially significant environmental effects. Alternatives should include but not be limited to the following:
    - No Project Alternative;
    - Alternative technologies capable of meeting most of the Project's goals and objectives which avoid or reduce one or more of the Project's significant adverse environmental impacts;
    - Design alternatives capable of meeting all of the Project or most of the Project's goals and objectives which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts;
    - Conservation measures that can be implemented to avoid the need for the Project or reduce the scale of the Project, which would reduce potential adverse impacts of the Project;
    - Alternatives consistent with SCE's 2014 Energy Storage Procurement Plan, which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts; and
    - Alternatives consistent with the Garamendi Principles. (Written - EARSI, Tanner)

- The route alternatives are concerning. There is a 25-foot utility easement west of the Project that runs from Highway 118. Concern has been expressed about the width of the easement (25 feet) and its proximity to homes; the easement is not suitable for the proposed subtransmission line route. (Written – Warwar)

- The EIR should evaluate an alternative that includes co-location of the subtransmission line; such an alternative would minimize environmental effects. The EIR should include energy saving and renewable energy alternatives. (Oral - P. Pederson on behalf of D. Hinojosa).

- The EIR should explore energy saving alternatives (e.g., renewable energy, solar power, and geothermal) and energy efficiency programs that can be implemented in residential homes to reduce overall power demand. (Oral – K. Pederson).

- An alternative such as co-location the 66 kV line with existing poles should be evaluated. This alternative would have been cheaper but with the Project partially built, reconductoring of the line would be more expensive. An undergrounding alternative should be evaluated. There is preference for the "No Project Alternative." (Oral – P. Ludington)

- There is support for the following alternatives to the proposed Project: co-location with existing power lines and undergrounding the line. (Oral – Santa Rosa Valley Municipal Advisory Council)

- The following 10 alternatives to the project could be implemented to avoid overloading conditions:

    1. Re-connect the Colonia-CAMgen-Newbury line to CAMgen substation. Install approximately 1.5 miles of 66 kV circuit along Potrero Road to restore the third circuit and additional amp capacity to the Newbury Substation.
    2. Commercial use reductions. Have commercial sites in the electrical needs area use backup generators to reduce demand. This would reduce the amp draw on the Moorpark-Newbury-Pharmacy line.
    3. Installation of rooftop or centralized thermal storage units on commercial structures. 10 MWs of thermal storage could reduce the peak demand by 87 amps to 879 amps.
    4. Installation of solar panels on commercial rooftops. Fund postponed solar projects (0.9 MW) in the Newbury zip code as an alternative to the 66 kV line.
    5. Increase the capacity of the existing conductors. Increase the capacity of the Moorpark-Newbury-Pharmacy and Thousand Oak-Newbury lines to approximately 100 amps.
    6. Re-connect the CAMGen generating station. Re-connecting the CAMGen generating station on the CSU Channel Islands campus to provide 28 plus MWs of generation through the reconnected Colonia-CAMGen-Newbury line. Additionally, retrofitting the CAMGen facility with a waste head recovery system. The re-connection of the CAMGen plant could reduce the projected loading to 737 amps.
    7. Convert stand-by generators at Hill Canyon Treatment Plant. Convert the 5.4 MW of stand-by generation at the Hill Canyon Treatment Plant to SGIP with a retrofit to natural gas to meet emissions standards.
    8. Increase generation and reduce peak demand at the Hill Canyon Treatment Plant. The Hill Canyon Treatment Plant can reduce demand by the use of bio gas and solar panels.
    9. Conejo Valley Unified School District Energy Project. Implement the pending 4.2 MW or 37 amp Conejo Valley Unified School District Energy Project. Implementation of this project could reduce the projected loading to 920 amps.

10. Implement solar project in the electrical needs area. The use of solar panels on structures or solar panels on disturbed sites as an alternative to the transmission/distribution project. (Written – A. and P. Ludington, and Santa Rosa Valley Municipal Advisory)

Aesthetics

- The Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space. The proximity of new poles to residents has and will negatively impact the property of contiguous and adjacent homes. (Written - Community Letter)

- Completed Project components have already resulted in impacts on visual resources. (Written – Santa Rosa Valley Municipal Advisory Council)

- Why is it that the existing towers could not be utilized for the proposed transmission line? The commenter notes that views are already impaired with the presence of these towers. (Written - M. Lelande)

- There is opposition to moving the Project alignment to the west along Gerry Road as it would cause aesthetic impacts. (Written - W. Westerling)

- There is concern about the Project's effects on public viewsheds. (Oral – Barton)

Agricultural Resources

- When SCE began work on the Project, they contacted farmers demanding they remove decades-old orchard trees. After convincing a judge it was urgent to begin construction by 8/8/11, it cut down several hundred trees in August and mandated that farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable. (Written –Community Letter)

- A tall TSP could impact farming. A metal pole has fallen and caused minimal damage to avocado trees. Farming requires some aerial work and the addition of the subtransmission line may impede this process. (Written - M. Lelande)

- The commenter is opposed to moving the subtransmission line from the east side of the existing 220 kV poles to the west side of the poles as it would affect agricultural properties. Relocating the poles would impact the productive land for most property owners along the easement. (Written - V. Dransfeldt)

- Completed Project components have already resulted in impacts on agricultural assets. (Written – Santa Rosa Valley Municipal Advisory Council)

- Impacts to agricultural land should be avoided and can be done by co-locating the proposed lines with existing power lines or by undergrounding through the Santa Rosa Valley. (Written –Ventura County Board of Supervisors, L. Parks)

Air Quality

- The air quality impacts would likely occur with Project implementation and the EIR should evaluate all potential air quality impacts that may result from the Project. The EIR's air quality section should consider reactive organic compounds, nitrogen oxide emissions, exhaust equipment particulate matter, and fugitive dust from construction equipment. (Written – Ventura County Air Pollution Control District)

Biological Resources

- There is concern for sensitive species located within the site, including sensitive plants like Lyon's Pentacheata and Conejo Dudleya, and protected avian species such as the Least Bells Vireo and California Gnatcatcher. (Written - Community Letter)

- There would be Project-related impacts on riparian habitat and any impacts to riparian resources would require acquisition of discretionary permits from U.S. Army Corp, CDFW, and RWQCB. No jurisdictional delineations have been included in the Project Description. (Written - Community Letter)

- There is concern about the Project's potential effects on wildlife, pets, and farm animals. (Oral – S. Pederson)

- The CDFW considers Rare Natural Communities as threatened habitats that have regional and local significance. (Written - CDFW)

- CDFW generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. (Written - CDFW)

- If the Project results in take of a species designated as endangered or threatened, or a candidate for listing under the California Endangered Species Act (CESA), the CDFW recommends that the Project proponent seek appropriate take authorization under CESA (may include an incidental take permit or a consistency determination) prior to Project implementation. (Written - CDFW)

- CDFW opposes elimination of watercourses and/or the channelization of natural and manmade drainages and notes that all wetlands or watercourses be retained and provided with substantial setbacks. A minimum natural habitat buffer of 100 feet from the outside edge of the riparian zone of each side of the drainage is recommended. (Written - CDFW)

- The CDFW has regulatory authority with regard to activities occurring in streams or lakes that could adversely affect any fish or wildlife resource and that for any activity that results in diversion or obstruction of natural flow, change the bed, channel, or bank of a river or stream, or use of material form a streambed. The project applicant must provide written notification pursuant to Section 1602 of the Fish and Game Code. (Written - CDFW)

- The EIR should include a thorough, recent assessment of flora and fauna within and adjacent to the Project area, with emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats including:

    - A thorough, recent assessment of rare plants and rare natural communities, following the CDFW's Guidelines for Assessing Impacts to Rare Plants and Rate Natural Communities.

- A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the Project area should be addressed and notes that recent, focused, species-specific surveys conducted at the appropriate time of year and time of day are required.
- Rare, threatened, and/or endangered species should include all species which meet the related definition under the CEQA Guidelines.
- The Biogeographic Data Branch should be contacted to obtain current information on any previously reported sensitive species and habitats. (Written - CDFW)

- The EIR should include a thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. The discussion should focus on maximizing avoidance and minimizing impacts. Specifically:
  - The regional setting is critical to an assessment of environmental impacts and that emphasis should be placed on resources that are rare or unique to the region.
  - General and specific plans, as well as past, present, and future projects should be analyzed relative to their impacts on similar plant communities and wildlife habitats
  - Project impacts including deposition of debris should be analyzed relative to their effects on off-site habitats and populations including public lands, open space, and natural habitats. Impacts to and maintenance of wildlife corridor or movement areas should be evaluated and should include discussion of the potential for impacts resulting from increased vehicle traffic, outdoor lighting, noise and vibration, and pest management.
  - Impacts to migratory wildlife should be evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds.
  - Construction activities in Active Breeding and/or Nesting season should be avoided; if the nesting season cannot be avoided and construction or vegetation removal occurs between March 1 and September 15 (January 1 – July 31 for raptors), the permittee should: follow avoidance and minimization measures including establishment of avoidance buffers, development of a Nesting Bird Protection Plan, development of an alternative plan for avoidance of nesting birds, ensure that project activities that could impact habitat that provide maternity roosts for bats occur outside of the bat breeding season, and address impacts to natural habitats from implementing Fuel Modification Zones with appropriate mitigation (Written - CDFW)

- The EIR should address Project-related effects on wildlife species (e.g., least bell's vireo, Conejo dudleya, and red-legged frog). (Oral - P. Pederson on behalf of D. Hinojosa).

Cultural Resources

- The County and public express concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources when it sought CEQA exemption for the Project. (Written - Community Letter)

Hydrology and Water Quality

- Based on NOP Figure 1, the Project would likely cross and could potentially affect the following Ventura County Watershed Protection District jurisdictional red line channels: Arroyo Simi, Gabbert Canyon, Conejo Creek, Hill Canyon, and North Branch Hill Canyon. The EIR should identify and label these red line channels on all maps, figures, and exhibits. (Written - Ventura County Watershed Protection District)

- The setting section of the Hydrology and Water Quality section should include the following Ventura County Watershed Protection Ordinance WP-2 standards:

    - In accordance with Ventura County Watershed Protection Ordinance WP-2, effective October 10, 2013, no person shall impair, divert, impede, or alter the characteristics of the flow of water running in any jurisdictional red line channel, or establish any new drainage connection to a District jurisdictional channel without first obtaining a written permit from the District. Where applicable, watercourse or Encroachment Permit applications must be submitted to the District for any proposed work.
    - Any activity in, on, over, under, or across a District jurisdictional red line channel, including the channel bed and banks of arroyo Simi, Gabbert Canyon, Conejo Creek, Hill Canyon, and North Branch Hill Canyon, will require permits from the Ventura County Watershed Protection District.

It is the Ventura County Watershed Protection District's standard for mitigating any increase in impervious area that the peak flow after development shall not exceed the peak flow under conditions for any frequency of event. (Written - Ventura County Watershed Protection District)

Land Use and Planning

- The EIR should describe applicable regulations, rules, and other relevant planning programs governing the Project and discuss the Project's compliance or impact with such plans including, but not limited to, consistency with NERC Planning Standards, the Garamendi Principles (SB 2431, Chapter 1457, Statutes of 1988, Garamendi), and the SCE 2014 Energy Storage Procurement Plan. (Written – EARSI, D. Tanner)

- Impacts to residential neighborhoods should be avoided and can be done by co-locating the proposed lines with existing power lines or by undergrounding through the Santa Rosa Valley. (Written – Ventura County Board of Supervisors, L. Parks)

- Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now "tabled" Presidential Substation, and has requested alternatives consistent with County's land use and planning goals. (Written - Community Letter)

Noise

- Even at distances of 1,000 feet from the existing 220 kV lines, in the evenings one can hear the constant crackle coming from them. It is loud, continuous, and alarming. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists. (Written - Community Letter; Oral – K. Hall)

Public Health and Safety

- The potential for Valley Fever should be addressed in the EIR due to the recent fires and potential Valley Fever disturbance on the project site. (Written – Ventura County Air Pollution Control District)

- There is opposition to the Project for safety reasons. (Written - C. Nepstad)

- The Project would result in public health and safety concerns from the following potential hazards: brush fire, EMF, and earthquakes. The Project's alignment is through farmland and protected open space, portions of which are within an area designated by Cal Fire as "Very High Fire Hazard Severity Zone." Downed power lines could cause catastrophic fires. (Written - Community Letter)

- The environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, and areas of tectonic activity, and samples should be collected for carbon dating to determine if it is safe to undertake construction in the proposed area. (Written - Community Letter)

- Fire danger due to the proposed Project's proximity to residences is concerning. (Oral – S. Pederson)

- Increased fire hazards and earthquake safety issues as a result of Project implementation are concerning. Past fire events have been caused by downed power lines. Some farmers in the area have stopped irrigating their avocado orchard; as a result, the dry land represents a fire hazard. Potential fire events that could be induced by a large earthquake along the Simi-Santa Rosa Fault are concerning. (Oral – N. Hauth)

- There is concern about the Project's human health effects on family members. (Oral – N. Brandt; Oral – K. Cannon)

Transportation

- When feasible, construction-related truck trips, which may affect State Route 118 (intersects Gabbert Road/Tierra Rejada Road), State Route 23 (intersection Tierra Rejada Road), and State Route 101 (intersection Borchard Road), should be restricted to the off-peak commute period. (Written – Caltrans, District 7)

- A traffic control plan should be prepared and submitted to Caltrans for review. (Written – Caltrans, District 7)

- The EIR should include discussion of mitigation measures that would appropriately alleviate anticipated traffic impacts. (Written – Caltrans, District 7)

- The Project may be subject to various permits including oversize vehicle permits, transportation permits (any wide or unusual loads), and encroachment permits (for work performed within the State right-of-way). (Written – Caltrans, District 7)

- A copy of the EIR should be forwarded to Caltrans once it is available. (Written – Caltrans, District 7)

- The report should examine both construction and maintenance traffic across private farm roads, through protected habitat and quiet residential communities. There currently is no public access to any tower footings or the ROW in general. (Written - Ludington)

Cumulative

- The list of cumulative projects should be identified in the EIR. (Written - EARSI, Tanner)

- The EIR Project should analyze previously completed components to ensure that cumulative impacts can be determined. CEQA does not allow the division of a project into smaller projects and the proposed EIR would ignore the already completed project. (Written – Santa Rosa Valley Municipal Advisory Council)

4.2 Issues Not Analyzed under CEQA

The EIR will be used to guide decision-making by the CPUC by providing an assessment of the potential environmental impacts that would result from the Project. The weighing of Project benefits (environmental, economic, or otherwise) against adverse environmental effects is outside the scope of the EIR. When the CPUC considers whether to approve SCE's application for the Project, it will consider the EIR along with economic and other considerations.

The EIR will not consider electric and magnetic fields (EMF) in the context of the CEQA analysis of potential environmental impacts because [1] there is no agreement among scientists that EMF creates a potential health risk, and [2] there are no defined or adopted CEQA standards for defining health risk from EMF. Presently, there are no applicable federal, State, or local regulations related to EMF levels from power lines or related facilities, such as substations. However, CPUC policies and procedures (as reflected in decision D.06-01-042) require utilities to incorporate "low-cost" or "no-cost" measures for managing EMF from power lines up to approximately 4 percent of the total project cost.

The EIR will not consider comments related to whether or not SCE has the proper easements or ROWs for construction, operation, or maintenance of the Project. Negotiations of ROWs or easements occur between SCE and affected property owner(s) and generally do not require discretionary approval from a State or local agency. Consequently, such agreements would be outside the scope of CEQA. Any physical impacts that would occur within newly-acquired ROW as part of the Project would be assessed in the EIR.

The EIR also will not consider comments that pertain to SCE's determination of project need. The CEQA process does not require the EIR to assess Project need as established by the project applicant. In addition, CPUC General Order 131-D does not require an affirmative showing of need for projects under 200 kV and this issue is not generally litigated in PTC proceedings. The EIR will study a "No Project Alternative" which will examine the environmental impacts of not building the Project. Thus, the analysis of the No Project Alternative will look into what would happen from an electrical standpoint if the project objectives are not met.

Economics-Related Comments Received

- The addition of TSPs could cause damage to structures when they fall, and could decrease current home values. (Written - M. Lelande)

- The Project will result in adverse effects on property values in Santa Rosa Valley. The economic growth of the Santa Rosa Valley has slowed down in parallel with the various SCE transmission line projects. (Oral – Barton; Oral – Brandt)

EMF-Related Comments Received

- The CPUC has a long-standing policy of prudent avoidance of EMF exposure and the "no-cost and low-cost" standard adopted by CPUC was an action plan established in CPUC Decision 93-11-013, in which CPUC acknowledged the potential harmful effects of EMF. Since the intervening 20 years since the CPUC established this standard, the CPUC has not promulgated any further guidelines. Yet, the EMF exposure is real and documented and should be evaluated in the EIR. (Written – Community Letter)

- Concern about EMF exposure on residents. A couple families have members that were diagnosed with leukemia and recently moved away. (Oral – K. Hall, Oral – S. Comejo)

- Project-related effects associated with EMF exposure. Recent ailments (e.g., serious case of osteoporosis, epilepsy) have occurred and power line-related EMF may have contributed to the ailments. The commenter's home is located 87 meters away from the proposed transmission line alignment. (Oral – M. Dubois-Walker)

Project Need-Related Comments Received

- SCE's assessment of "need" is in question; SCE's need projections are based on speculative growth, and are outdated. The outdated Project "need" data, spawned by the 2005 "heat storm peak loading" projections that have time and again proven to be false. In addition, SCE has provided several different and inconsistent forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage). In reality, actual peak demand has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. (Written-Community Letter)

- Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption as follows:

    - It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.
    - It failed to disclose a number of known potentially significant environmental impacts.
    - It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.
    - While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders.

  - SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based. (Written - Community Letter)

- An assessment describing the need for the proposed transmission line should be supplied. (Oral – Ventura County Board of Supervisors staff member; Written – County of Ventura, Board of Supervisors)

- The Project should be evaluated as a whole in the EIR. The load projections are not correct and, with respect to Project need, different dates have been used which begs the question about the true need for the Project. (Oral – Ludington)

- The community has grown and now has shrunk due to recent layoffs by Amgen and, therefore, the true need for the proposed Project is questioned. The peak loading projections are false. (Oral – Brandt)

General Comments

- Past requests have been submitted to CPUC regarding the environmental review for the proposed Project since October 2008, including the filing of General Order 131-D, Section III.B.1.g, the commenter's response to SCE's claimed exemption, litigation between 2008 and 2010, and CPUC's adoption of Resolution E-4243, exempting the project from environmental review. The application for rehearing of Resolution E-4243 (filed April 14, 2010) and the CPUC's order granting rehearing petition (filed November 10, 2011) are attached and referenced. (Written – Pritz & Associates)

- Expressed support for the Project. (Written W. Westerling; Written - V. Dransfeldt; Written - J. Orr)

- Expressed support for the current Project and pole positioning. Any changes to the Project would be inconsistent with the intent of the easement recorded in 1970 and would have a negative impact on other properties and their use. (Written - J. Hargleroad)

- Expressed support for the Project as long as SCE constructs within their easement and Opposition to the possible relocation of the poles. (Written S. Fusci)

- Disappointment about the shortage of public notification and how small the actual notice was. (Oral – K. Cannon)

- SCE should provide a master plan that describes all of their future energy projects in the Project area in order to really understand the proposed Project. (Oral – Santa Rosa Valley Municipal Advisory Council)

- The following Project-related concerns have been raised throughout the April 10, 2014 scoping meeting: fire hazard, plants, fossil fuels, earthquake, effects on residents, noise, habitat, change in circumstance, decrease in growth, questions of need based on new available resources (energy conservation), health risk for those near the line, agricultural resources, medical conditions, brush clearance, and cumulative impacts. There is disappointment about how SCE has been disingenuousness about the project, and the fact that CEQA review is beginning in the middle of the Project is disliked. (Oral – Pritz)

- Expressed support for the Project and the understanding that SCE has acquired the easement for the sole purpose of the Project and that SCE has a legal right to expand their equipment within the existing easement. If SCE pursues expansion of the poles on Gerry

Road, condemnation would be a factor and notes that the title reports for homeowners along Gerry Road states that the power poles are to be wooden poles only, which would not be adequate for the proposed Project. Homeowners contesting the Project were fully aware of the existing easement when they purchased their homes. (Written - B. Gutierrez)

- Expressed opposition to the proposed Project alignment, which is located on the east side of the SCE's right-of-way. Some residences are located as close as 20 feet from the property line. (Written – C. Andresen)

- Should the community, City and County leaders, and SCE determine whether new construction, upgrades, or replacement to SCE equipment be needed, such equipment should be buried under ground. (Written – M. Penilla)

- Subsequent documentation related to the Project should be directed to the Ventura County Watershed Protection District for review and comments. (Written - Ventura County Watershed Protection District)

- The CPUC should conduct an environmental review and evaluation of alternatives for the Project and an EIR would be the appropriate document to include such a review. (Written – County of Ventura, Board of Supervisors)

- The Project is part of a larger project as it is an amendment to the Moorpark System within the ISO Controlled Grid to correct reliability issues. The environmental document should include discussion of other relevant programs that have potential to affect the environment, including other considerations being considered by SCE to fulfill their responsibility to manage the existing grid. (Written – EARSI, D. Tanner)

- The Permit to Construct application is not complete and is inconsistent with the policy of the CPUC as reflected in the Garamendi Principles (SB 2431, Chapter 1457, Statutes of 1988, Garamendi). More specifically, the Application is not consistent with the following aspects of the Garamendi Principles:

    - "Encourage the use of existing rights-of-way by upgrading existing transmission facilities where technically and economically justifiable." The Project proposes to construct new transmission facilities, rather than upgrading existing facilities. The Project would overload the Ormond Beach-Moorpark right-of-way/easement resulting in power lines very close to sensitive land uses, sensitive habitat, and could result in impacts on cultural resources and aesthetics. The PTC application should show that it is not technically and economically justifiable to use the existing rights-of-way by upgrading existing transmission facilities as required by Garamendi.
    - "When construction of new transmission lines is required, encourage expansion of existing rights-of-way, when technically and economically feasible." There is no evidence indicating that the applicant or CPUC considered expansion of existing rights-of-way.
    - "Provide for the creation of new rights-of-way when justified by environmental, technical, or economic reasons, as determined by the appropriate licensing agency." The PTC application does not include any evidence considering the creation of new rights-of-way. It is justifiable in this case because the Project would overload the easement and result in environmental impacts and notes that past project construction activities have already resulted in adverse effects on the environment.

  - "Where there is a need to construct additional transmission, seek agreement among all interested utilities on the efficient use of that capacity." There is no evidence indicating that the Project Applicant has sought agreement with interested parties on the efficient use of that capacity. (Written – EARSI, D. Tanner)

- The PTC application misrepresents the Project and notes that it is a not a "rate-setting proceeding". (Written – EARSI, D. Tanner)

- The NOP is incomplete and misleading due to the inadequacy of the PTC application. (Written – EARSI, D. Tanner)

- The CPUC should: cease all CEQA proceedings and re-examine the PTC application to determine if it is complete, determine that the Application is incomplete and notify SCE that the application must address the whole of the Project, conduct a new CEQA scoping process, and provide information on Applicant related planning efforts. (Written – EARSI, D. Tanner)

- The CPUC should establish an independent investigation to be conducted to determine if the Applicant withheld information from the public, local governments and CPUC on the Project's potential environmental consequences during (1) processing of Advice Letter 2272-E and (2) on the appeal of Advice Letter 2272-E in applying for permits, certifications and/or agreements from state and federal agencies to construct a portion of the Project. If the investigation reveals that the Applicant did withhold information from the public, the CPUC should invalidate all permits, certifications, and or agreements issued for the project, remove constructed improvements, and assess punitive damages against those responsible. (Written – EARSI, D. Tanner)

- The EIR should be written in plain English to ensure that the document can be understood by the average (educated) citizen. (Written – EARSI, D. Tanner)

- The CPUC is not an independent party, noting that CPUC Commission President Michael Peevey is a former president of SCE, CPUC sided with SCE in their approval of Advice Letter 2272-E (which was subsequently invalidated), and CPUC sided with SCE by failing to prevent construction of the Project while the Rehearing of Resolution E-4243 was pending. All technical reports and the EIR should be prepared by an independent 3rd party. (Written – EARSI, D. Tanner)

- The NOP is biased as it is based on the Application. The PEA identifies Project-related adverse environmental impacts, which are characterized as less than significant. As NOP cites that alternatives analyzed in the PEA, how can SCE propose alternatives that would reduce the Project's effects if it denies the existence of any adverse environmental effect? (Written – EARSI, D. Tanner)

- The CPUC should apply for the State of California Electric Investment Charge (EPIC) grant program offered by the California Energy Commission and that it apply for the grant entitled "Establish Strategies for Enhanced Local Regulatory Assistance and Permit Streamlining that Will Accelerate Deployment of Clean Energy Infrastructure." The Project has been going on for years and has wasted ratepayer money. (Written – EARSI, D. Tanner)

- A chronological overview of the Project is provided, which includes the following:

  - March 15, 2010 – Resolution E-4243, Exemption G

- April 15, 2010 – Petition for Rehearing
- October 15, 2010 – SCE's Notice to Energy division Re Intent to Construct
- July 20, 2011 – Letter to Governor Brown Re Delay of Rehearing Ruling
- August 3, 2011 – Temporary Restraining Order Against Farmers
- August 8, 2011 – Visible construction commenced, often 6-7 days/week
- November 10, 2011 – Order Granting Rehearing with "Cease and Desist," and
- October 28, 2013 – SCE's Application for PTC.

The 5-1/2 year history of the Project (under Case No. A.10-04-020) is summarized starting from advice letter dated 10/2/08, in which SCE gave the public its first notice of the Project, which indicated SCE's plan of seeking exemption for any environmental review under Exemption G. The County of Ventura Board of Supervisors for the cities of Moorpark and Thousand Oaks, the Santa Rosa Valley Municipal Advisory Council and community members protested the rules and urged evaluation of alternatives. (Written – P. Ludington)

5. Consideration of Issues Raised in Scoping Process

A primary purpose of this Scoping Report is to document the process of soliciting and identifying comments from agencies and the public. The scoping process provides the means to determine those issues that interested participants consider to be the principal areas for study and analysis. Every issue that has been raised that falls within the scope of CEQA during scoping will be addressed and/or be considered in the EIR.

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APPENDIX A
Notice of Preparation

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

To: **State Clearinghouse, Responsible and Trustee Agencies, Property Owners, & Interested Parties**

From: **Michael Rosauer, CPUC Environmental Project Manager**

Subject: NOTICE OF PREPARATION (NOP) OF AN ENVIRONMENTAL IMPACT REPORT (EIR) AND NOTICE OF AN INFORMATIONAL WORKSHOP AND SCOPING MEETING**: Permit to Construct the Moorpark-Newbury 66 kV Subtransmission Line Project (A.13-10-021)**

Date: **March 25, 2014**

Description of Proposed Project
Pursuant to the California Environmental Quality Act (CEQA), the State of California Public Utilities Commission (CPUC) is preparing an EIR for the Project identified below, and is requesting comments on the scope and content of the EIR. Southern California Edison (SCE), in its CPUC application (A.13-10-021), filed on October 28, 2013, seeks a permit to construct (PTC) the remaining portions of the Moorpark-Newbury 66 kV Subtransmission Line Project (Project) that have yet to be constructed. The majority of the Project had already been constructed prior to November 2011, when the CPUC issued Decision 11-11-019, which ordered SCE to halt all construction activity, provide certain specified information, and to file a PTC Application in order to complete the Project. SCE has determined that the Project is still needed, and has submitted its PTC Application and Proponent's Environmental Assessment (PEA). Once completed, the Project would include operation and maintenance of the following major elements:

- Approximately 1,200 feet of new underground 66 kV subtransmission line within Moorpark Substation.
- Approximately 5 miles of the new Moorpark-Newbury 66 kV Subtransmission Line on the south and east sides of SCE's existing Moorpark-Ormond Beach 220 kV Right-of-Way (ROW).
- Approximately 3 miles of the new Moorpark-Newbury 66 kV Subtransmission Line within the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line ROW. New double-circuited tubular steel poles (TSPs) would carry both the existing Moorpark-Newbury 66 kV Subtransmission Line and the new Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line.
- Approximately 1 mile of the new Moorpark-Newbury 66 kV Subtransmission Line within the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line ROW into Newbury Substation. The new lightweight steel (LWS) poles and TSPs would accommodate the new Moorpark-Newbury 66 kV Subtransmission Line as well as the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line a double circuit configuration.
- New 66 kV subtransmission line positions and associated infrastructure within Moorpark Substation and Newbury Substation to facilitate the termination of the new Moorpark-Newbury 66 kV Subtransmission Line.
- Existing distribution circuitry and telecommunication facilities would operate on the new subtransmission poles as necessary.

The purpose of the Project is to ensure the availability of safe and reliable electric service to meet customer demand in the Electrical Needs Area (ENA) defined for the Project. SCE has indicated that the Project is needed to address: (1) a projected voltage drop that would exceed the acceptable 5% limit on the 66 kV bus at Newbury Substation under abnormal system conditions; and (2) a projected overload on

the Moorpark-Newbury tap of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line under a normal system configuration.

Location of the Project
The subtransmission line would pass through unincorporated Ventura County, the City of Moorpark, and the City of Thousand Oaks. See **Figure 1**.

Issues To Be Addressed In The EIR
It has been determined that an EIR is required because the Project could result in potentially significant impacts to environmental resources. The EIR will address all of the issues identified in the CEQA Environmental Checklist Form (see CEQA Guidelines Appendix G). The EIR will identify the potentially significant environmental effects of the Project, including those resulting from construction of the portions of the Project that have yet to be developed, and operation and maintenance of the entire Project. The EIR will also discuss and analyze a reasonable range of alternatives to the Project, including two No Project alternative scenarios, and alternatives to the Project that could attain most of its basic objectives while avoiding or reducing any of its significant environmental effects.

In its PEA, SCE identified a number of alternatives that will be analyzed by the CPUC's EIR team and potentially carried forward for full analysis in the EIR, including System Alternatives 2 and 3, Subtransmission Line Route Alternatives 2 and 3, and two No Project alternative scenarios. Other alternatives may be added to the analysis based on input received during the 30-day scoping period following issuance of this NOP or by the EIR team in response to potentially significant environmental impacts identified during the EIR process.

Specific areas of analysis to be addressed in the EIR include: aesthetics; agriculture and forestry resources; air quality; biological resources; cultural resources; geology and soils; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; mineral resources; noise; population and housing; public services; recreation; transportation and traffic; utilities and service systems; and energy conservation. Where feasible, mitigation measures will be recommended to avoid or reduce potentially significant impacts. The EIR will also address potential cumulative impacts of the Project, considered together with past, other current, and reasonably foreseeable future projects in the area.

Information to be included in the EIR will be based, in part, on input and comments received during the scoping period. Decision-makers, responsible and trustee agencies under CEQA, property owners, and members of the public will also have an opportunity to comment on the Draft EIR once it is issued. Additional information about the environmental review process for the Project as well as electronic copies of SCE's PTC Application and PEA can be found on the CPUC's website:

http://www.cpuc.ca.gov/Environment/info/esa/Moorpark_Newbury/index.html

Public Scoping Period for this Notice of Preparation
State law mandates a 30-day time limit after the date of the NOP for the scoping period. The scoping period for this Project begins on March 26, 2014, and closes at 5:00 p.m. on April 25, 2014. Please include a name, organization (if applicable), address, and e-mail address of a contact person for all future notification related to this process. Public comments will become part of the public record and will be published in a Scoping Report.

Please send your comments to:

Mr. Michael Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108
E-mail: Moorpark-Newbury@esassoc.com
Fax: (415) 896-0332

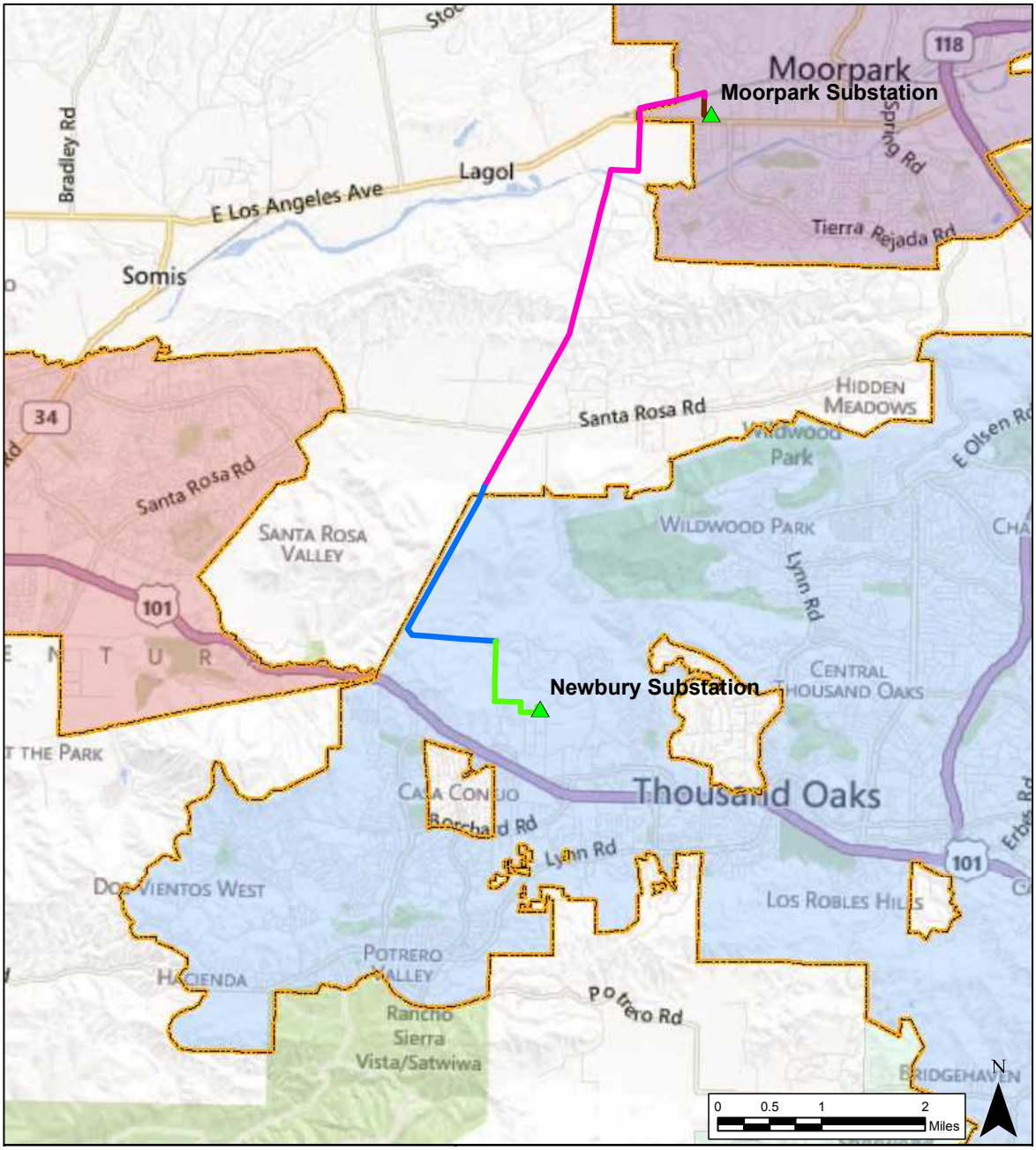
Educational Workshop and Scoping Meeting
In order for the public and regulatory agencies to have an opportunity to submit comments on the scope of the EIR for the Project, a meeting will be held during the NOP scoping period. The meeting will be held:

Thursday, April 10, 2014
6:30 p.m. – 8:30 p.m.
Santa Rosa Technology Magnet School
13282 Santa Rosa Road
Camarillo, CA

From 6:30 to 7:00, the CPUC will hold an educational workshop. This workshop will address: (a) CPUC's process for reviewing the Project application; (b) the environmental review process; and (c) details on how members of the public can become involved with each of these processes.

From 7:00 to 8:30 the CPUC will hold the official scoping meeting. The scoping meeting will start with a brief presentation providing an overview of the Project and alternatives identified to date. Following the presentation, interested parties will be provided an opportunity to provide comments about the Project. Comment forms will be supplied for those who wish to submit written comments at the scoping meeting. Written comments also may be submitted anytime during the NOP scoping period to the address, e-mail, or facsimile number provided above.

REMINDER: All comments will be accepted by postmark, e-mail, or facsimile through 5 p.m. Friday, April 25, 2014. Please be sure to include your name, organization (if applicable), address, and e-mail address.



SCE Substations

Project Sections

- Project Section 1
- Project Section 2
- Project Section 3
- Project Section 4
- City Boundaries

SOURCE: SCE PEA, 2013

Figure 1
Site Location Map

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APPENDIX B
Newspaper Notices

Certificate of Publication

Ad #346100

In Matter of Publication of:

Public Notice

State of California)
))§
County of Ventura)

I, **Maria Rodriguez**, hereby certify that the **Ventura County Star Newspaper** has been adjudged a newspaper of general circulation by the Superior Court of California, County of Ventura within the provisions of the Government Code of the State of California, printed in the City of Camarillo, for circulation in the County of Ventura, State of California; that I am a clerk of the printer of said paper; that the annexed clipping is a true printed copy and publishing in said newspaper on the following dates to wit:

March 28, April 04, 2014

I, Maria Rodriguez certify under penalty of perjury, that the foregoing is true and correct.

Dated this April 04, 2014; in Camarillo, California, County of Ventura.

Maria Rodriguez
(Signature)

California Public Utilities Commission Notice of Preparation of an Environmental Impact Report (EIR) and Educational Workshop/Scoping Meeting for the Moorpark-Newbury 66kV Subtransmission Line Project

Notice is hereby given that the California Public Utilities Commission (CPUC) has released a Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Moorpark-Newbury 66 kV Subtransmission Line Project for public review and comment. The EIR will address potential direct, indirect, and cumulative impacts of the construction, operation, and maintenance of the proposed project and alternatives. Information to be included in the EIR also will be based on input and comments received during the NOP scoping period, which is open from March 26, 2014 until 5:00 p.m. on April 25, 2014. The NOP is available for public review on the project website at: http://www.cpuc.ca.gov/Environment/info/esa/Moorpark_Newbury/index.html. The website provides access to public documents and information about the environmental review process for this project and will be updated during the review process to include announcements of upcoming public meetings and other information about the project. A copy of the NOP may also be requested by telephone at (707) 775-4790. Comments may be submitted in writing to: Mr. Michael Rosauer, c/o ESA, 550 Kearny Street, Suite 800, San Francisco, CA 94108; by fax to (415) 896-0332; or by email to Moorpark-Newbury@esassoc.com.

Additionally, the CPUC will hold an educational workshop and scoping meeting on **Thursday, April 10, 2014 at Santa Rosa Technology Magnet School**, 13282 Santa Rosa Road, Camarillo, CA. The workshop **(6:30 p.m.-7:00 p.m.)** will address the CPUC's processes for reviewing the project application and analyzing environmental impacts of the project as well as how the public can participate. The scoping meeting will be held from **7:00 to 8:30 p.m.** All members of the public are invited to attend. Following the scoping period, the CPUC will prepare a Draft EIR that will consider comments received. Decision-makers, responsible and trustee agencies under CEQA, property owners, and interested persons and parties will have an opportunity to comment on the Draft EIR when it is published for review.
Publish: March 28, April 4, 2014 Ad No.346100

APPENDIX C

Scoping Meeting Attendance Sheets

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Notice of Preparation of an Environmental Impact Report
Informational Workshop and Scoping Meeting
Hosted by the California Public Utilities Commission (CPUC)

Meeting Location: Santa Rosa Technology Magnet School, 13282 Santa Rosa Road, Camarillo, CA

Date/Time: Thursday, April 10, 2014 from 6:30 p.m. to 8:30 p.m.

Name	Affiliation	Address	Email address
Peggy Ludington	Party Protester to App for PTC Petitioner for Rehearing	10300 E. Presilla Road Santa Rosa Valley CA 93012	Peggylud@aol.com
Nicole Hauth	Home Acres Res.	10767 Citrus Dr. MP 93021	Nicki.Hauth@gmail.com
KEVIN CANNON	SANTA ROSA VALLEY MUNICIPAL ADVISORY COUNCIL MEMBER NEIGHBOR	11621 PRESILLA RD. SANTA ROSA VALLEY	AVOKING@ROADRUNNER.com
Moana Walker	HOME ACRES RESIDENT	10690 Ternez Dr Moorpark 93021	moana1111@gmail.com
Kelly Hall	Santa Rosa Valley HOA	2669 Buggy Lane Camarillo, CA 93012	Kellyrshall@gmail.com
Daralynn Pritz	Petitioner	2993 Yucca Dr.	dl.pritz@verizon.net
Teryl & John Milligan	resident	3321 Chestnut Lane Camarillo, CA 93012	
Alex Walker	resident	10690 Ternez Dr.	

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Notice of Preparation of an Environmental Impact Report
Informational Workshop and Scoping Meeting
Hosted by the California Public Utilities Commission (CPUC)

Meeting Location: Santa Rosa Technology Magnet School, 13282 Santa Rosa Road, Camarillo, CA

Date/Time: Thursday, April 10, 2014 from 6:30 p.m. to 8:30 p.m.

Name	Affiliation	Address	Email address
Cheryle M. Potter	Home Acres resident	10567 Ternez Dr Mpk 93021	potterc m@me.com
Jean Bergenstal	RSR resident	2737 Redondo Ave Santa Rosa Valley	bergenstal@gmail.com
Stacy Schlueter			
JAN WOODFILL	SRV RESIDENT	2677 KIATA CT SRV	ETJAN@ROADRUNNER.COM
MICHELE Willer-Allred	Ventura County Star		mswallred2004@yahoo.com
Janet Loo	SRU Res	13592 Crestline Dr SRU	janetloo sru@gmail.com
HARRY LOO	SRU RES	13592 CRESTLINE DR SRU	HATTRICKHARRY@GMAIL.COM
CHAD WALKER	HOME FLEET RESIDENT	10690 TERNEZ DR.	CWALKER99@ME.COM

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Notice of Preparation of an Environmental Impact Report
Informational Workshop and Scoping Meeting
Hosted by the California Public Utilities Commission (CPUC)

Meeting Location: Santa Rosa Technology Magnet School, 13282 Santa Rosa Road, Camarillo, CA

Date/Time: Thursday, April 10, 2014 from 6:30 p.m. to 8:30 p.m.

Name	Affiliation	Address	Email address
SUZANNE CAMEJO		11874 Pradera	scamejo@earthlink.net
Tim Brady		Bella Vista Ct	
Bernadette Eyre		11842 Pradera Rd.	
Denise Elston		13253 Old Butterfield Rd	dennyelston@gmail.com

Name	Affiliation	Address	Email address
Damon Wing	Ventura County Supervisor Linda Parks' office	625 W. Hillcrest Dr. Thousand Oaks, CA 91360	damon.wing@ventura.org
NINA BRANDT		381 Pepperwood Ct T.O 91360	GMECHOC@aol.com
WILLIAM L. BRANDT		381 Pepperwood Ct T.O. CA 91360	PROJDUDE@AOL.COM
ALAN LUDINGTON		10300 Presella Rd Camarillo, Ca. 93012	Alan@Ludington
MARK BURLEY	SANTA ROSA VALLEY MUNICIPAL ADVISORY COUNCIL MEMBER	12328 SAN SEBASTIAN CT. SANTA ROSA VALLEY CA 93012	MARKBURLEY@AOL.COM
AL BAILEY	SRV RESIDENT	12216 ALISON DR SRV, CA 93012	TREBLA543@YAHOO
Jim Porter	MOORPARK Home ACRES	4305-Hitch M.P.	JIMSPORTER@HOTMAIL.COM
MR. + MRS. Eyal Gordin		10255 Presilla Rd Camarillo 93012	
Will Westerling	Resident	10275 Presilla Rd Camarillo 93012	westerlingcs@gmail.com
Ken Gordon	Resident Santa Rosa Valley	2650 Buggy Lane Santa Rosa Valley. 93012	opticalvisions@yahoo.com

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Notice of Preparation of an Environmental Impact Report
Informational Workshop and Scoping Meeting
Hosted by the California Public Utilities Commission (CPUC)

Meeting Location: Santa Rosa Technology Magnet School, 13282 Santa Rosa Road, Camarillo, CA

Date/Time: Thursday, April 10, 2014 from 6:30 p.m. to 8:30 p.m.

Name	Affiliation	Address	Email address
JAMES T. FORTNEY	RESIDENT, LOCAL WEBSITE	P.O. BOX 3916 CAMARILLO 93011	JIM@FORTNEY.ORG
Libby Zweig	Resident	2631 BUGGY LANE SRV, CA 93012	LIBBYP1000@AOL.COM
JOE & TERI BARTON	RESIDENT	12295 RIDGE DR. SRV, CA 93012	JOE0681@VENTURA.NET
Bob LeMay	RESIDENT	15911 MARLECROFT MPK -	—
BRUCE NEWMAN	RESIDENT	2500 BCANCHARD RD SRV CA 93012	[redacted]@HOTMAIL BNEWMAN .COM
Krista Pederson	resident	10767 Citrus Dr. Moorpark	Ladybuggke@aol.com
Phil Pederson	Resident	10767 Citrus Dr MPK	Phil2fish@Yahoo.com
Gil Austin	Resident	2896 LAS BRISAS LN SRV	3Catdog3@Gmail.Com

APPENDIX D

Scoping Meeting Presentation

California Public Utilities Commission
CEQA Public Comment Meeting

Moorpark-Newbury 66 kV Subtransmission Line Project

April 10, 2014

Santa Rosa Technology Magnet School
13282 Santa Rosa Road
Camarillo, California

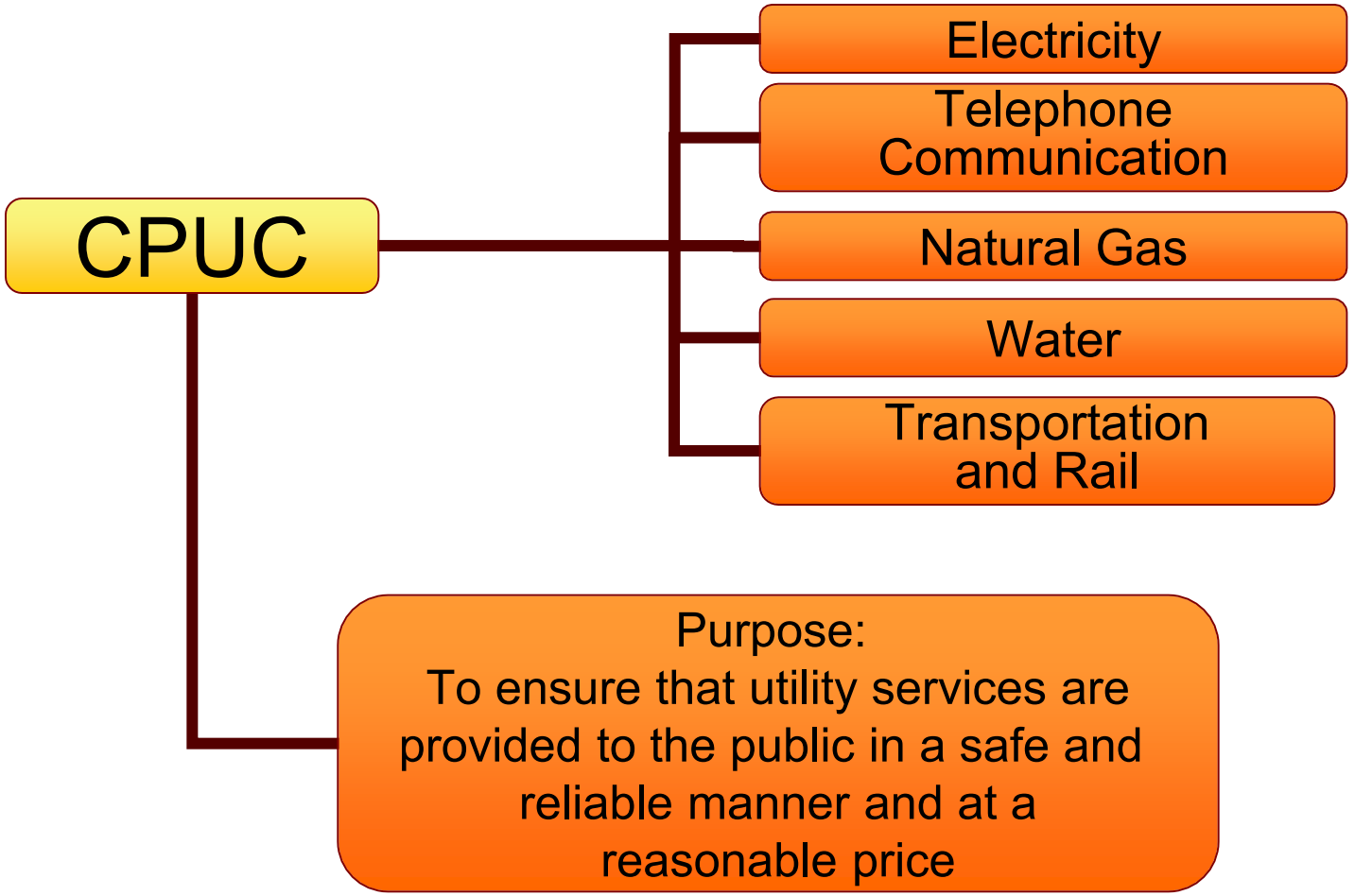
Participants and their Roles

- CPUC: California Environmental Quality Act (CEQA) Lead Agency
- SCE: Project Applicant
- Public Agencies, Organizations, and Members of the Public

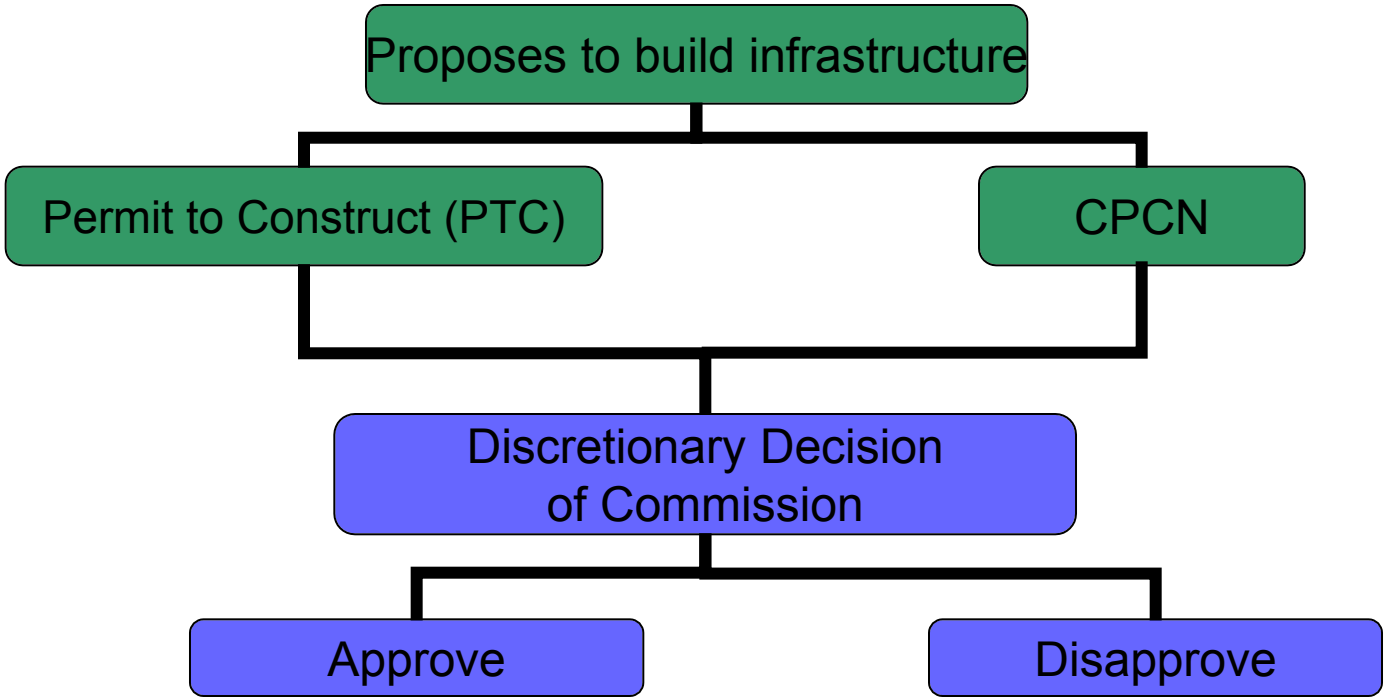
Meeting Agenda

- Overview of the CPUC's Decision and Review Processes
  - Environmental Evaluation
  - General Proceeding
  - Decision-making
- Summary of the CEQA Context
- Description of the Project
- Overview of the Draft EIR for the Project
- Public Comments

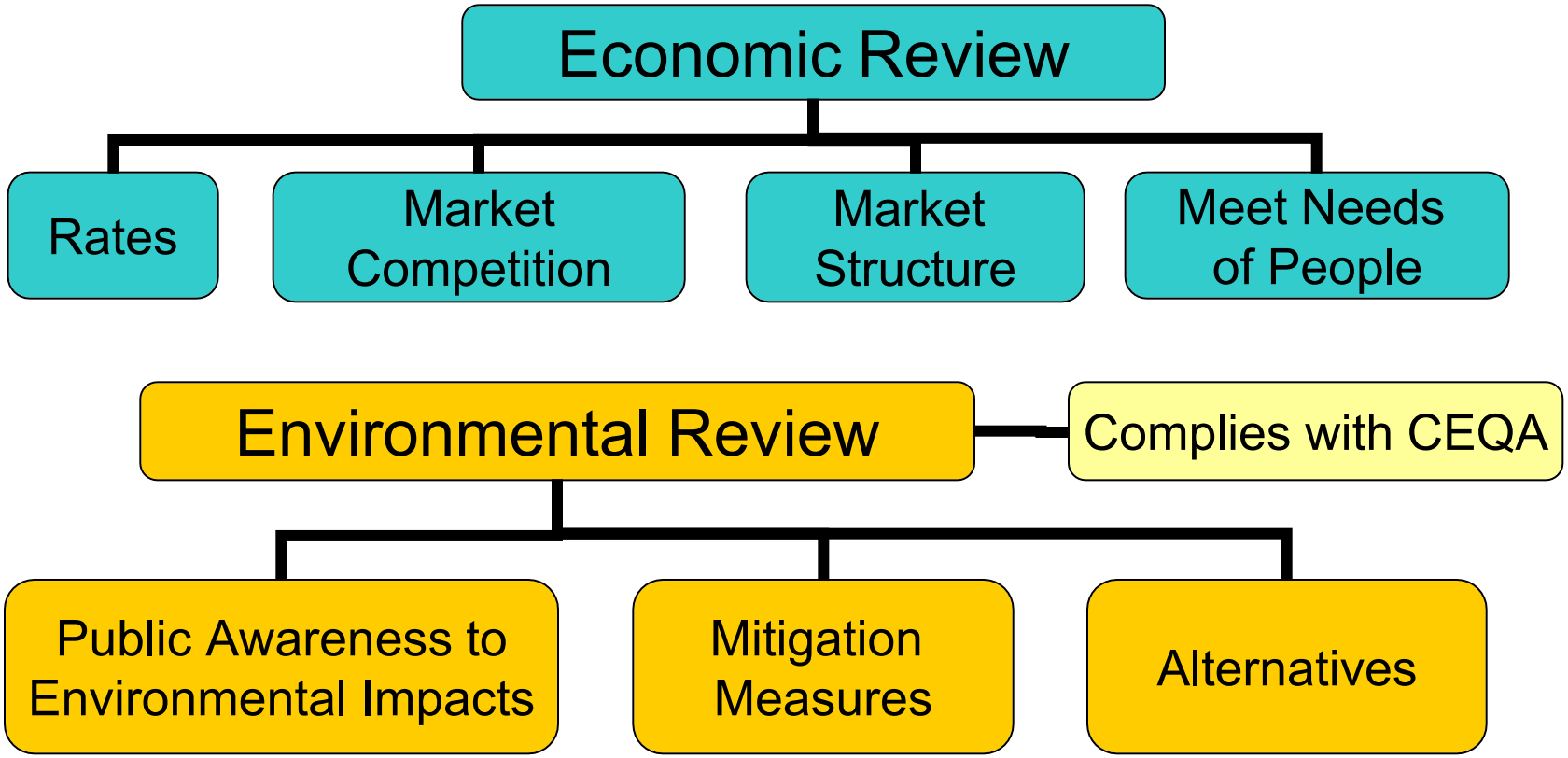
Who does the CPUC regulate?



Permit to Construct



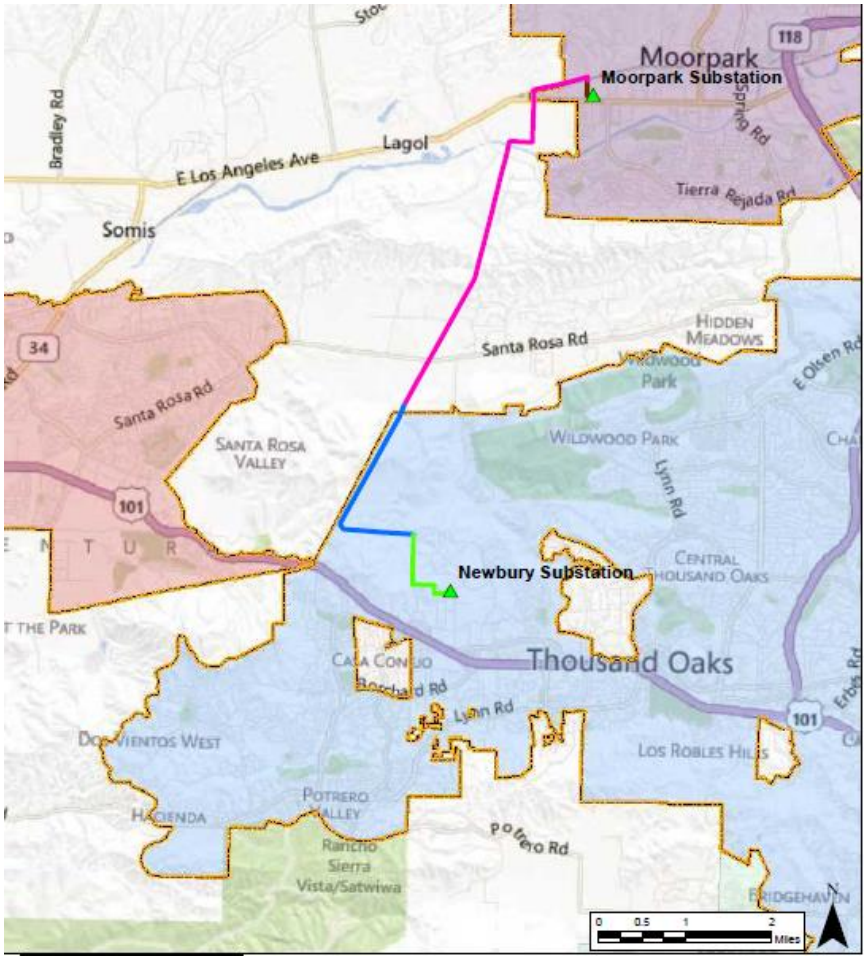
CPUC Review Process



CEQA Context

- CEQA Purposes and Objectives
- What CEQA Does and Does Not Do
- What is an Environmental Impact Report (EIR)?
- Public Participation Process

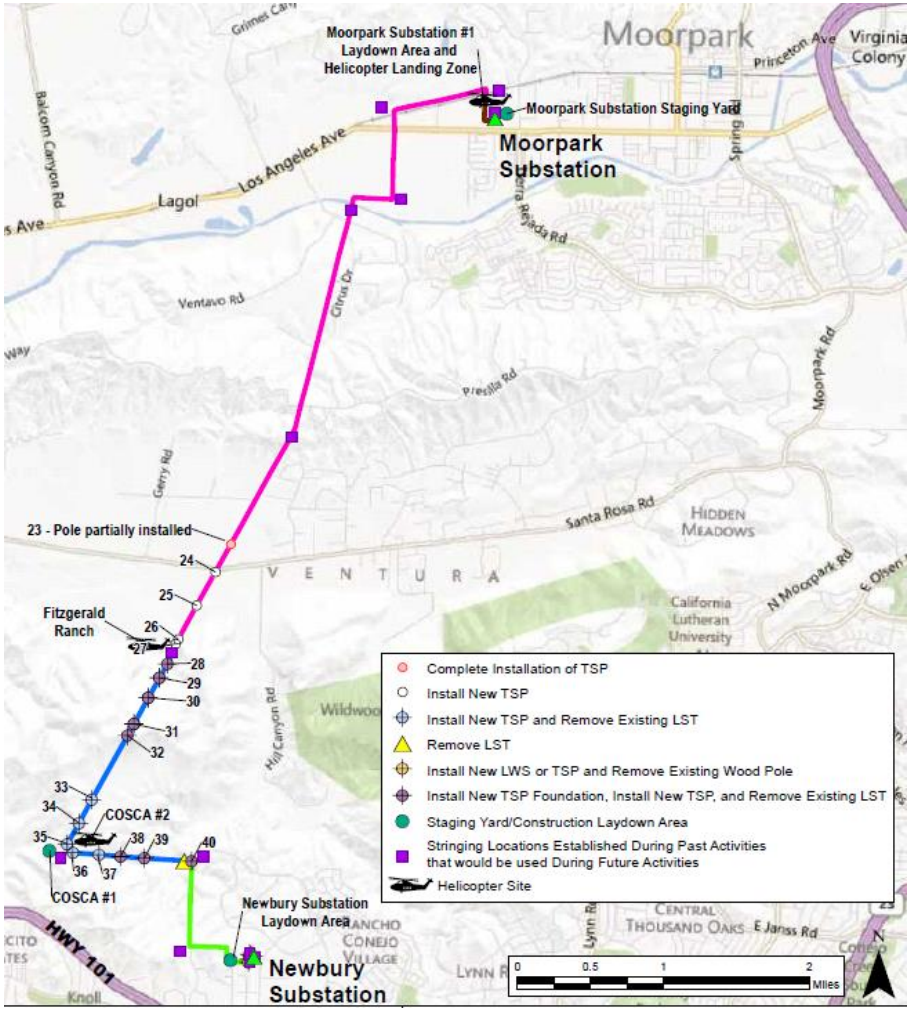
Proposed Project Location



Project Description

- Project Objectives
- Background
- Components
  - 9 miles of new 66 kV subtransmission line
  - New tubular steel poles to carry the line
  - New lightweight steel poles
  - Associated infrastructure within Moorpark and Newbury substations to facilitate new line

Proposed Activities



Moorpark-Newbury 66 kV Subtransmission Line Draft EIR

- Executive Summary
- Project Description
- Impacts and Mitigation Measures
- Cumulative Effects
- Project Alternatives
- Mitigation Monitoring, Reporting, and Compliance Plan

Draft EIR Environmental Topics

- Aesthetics
- Air Quality
- Agricultural Resources
- Biology
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Public Services and Utilities
- Hazards and Hazardous Materials
- Land Use
- Noise
- Population and Housing
- Traffic

How to Provide Scoping Comments

Mr. Mike Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108
Fax: (415) 896-0332
E-mail: Moorpark-Newbury@esassoc.com

Website:
http://www.cpuc.ca.gov/Environment/info/esa/Moorpark_Newbury/index.html

Deadline: April 25, 2014

Public Comments

Discussion Guidelines

- One person to speak at a time
- Be concise
- Stay on topic
- Support everyone's participation
- Respect others' opinions
- Comments will be recorded
- Written comments are encouraged

APPENDIX E

Agency Consultation Meeting and E-mail Communication Notes

ESA Energy

350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066 phone
510.839.5825 fax

www.esassoc.com

meeting notes

project	Moorpark-Newbury 66 kV Subtransmission Line Project	project no.	207584.15
date	April 9, 2014	time	1:30 to 2:30 p.m.
present	Rick Burgess, City of Thousand Oaks Planning Department Shelly Mason, City of Thousand Oaks, Conejo Open Space Conservation Agency Manager Mike Manka, Project Director, ESA Matt Fagundes, Project Manager, ESA Allison Chan, Deputy Project Manager, ESA Natasha Dvorak, Biologist, ESA	route to	
subject	Agency Consultation with City of Thousand Oaks Regarding SCE's Proposed Moorpark-Newbury 66 kV Subtransmission Line Project		

On behalf of the California Public Utilities Commission (CPUC), Environmental Science Associates conducted an agency consultation meeting with the City of Thousand Oaks to discuss the recently released Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project, to address any questions the City may have about the project, and to solicit any associated scoping comments from the City.

City's Key Points:

- City of Thousand Oaks expressed concern about resource protection issues; construction activities should occur within SCE's easement and proposed grading footprint, and should not occur outside established areas.

- City of Thousand Oaks requested that the project avoid over-excavation and overgrading. Back in 2009, this happened and spoils were stored along a drainage. The City noted that this happened at three different locations and was informed after the fact. Construction crew may not have followed the plan. The City is unsure whether the drainage was jurisdictional.
  - ESA indicated that the EIR would evaluate this and would include appropriate mitigation measures to avoid this from happening in the future.
  - SCE would be required to have daily monitors for future construction and CPUC would supply a 3rd party oversight monitor to ensure compliance. For future activities, there would be 3rd party oversight monitoring at the construction work areas.

- City of Thousand Oaks expressed concern regarding impacts on special-status plants. The City noted that there are endangered plants in the area near the water tanks (e.g., Lyon's pentachaeta, Conejo buckwheat,

Verity's dudleya). The EIR should indicate where those populations are. ESA noted that SCE has conducted rare plant surveys for the project.

- City of Thousand Oaks expressed concern about increase fire danger provided that there are weedy plants along the alignment. Methods should be followed to avoid dispensing weeds with vehicles.

- City of Thousand Oaks expressed concern about the project's effects on viewsheds. During past activities, materials dumped along roadways were visible from Conejo Center Drive. The City indicated that mitigation should have required hydroseeding and/or temporary irrigation.

- City of Thousand Oaks expressed concern regarding increased loads on the subtransmission line in terms of failure (both pole and power failures) and potential to cause wildfires.

- City of Thousand Oaks expressed concern about the Project's construction and operational effects on recreationalists related to the project's access roads. The City requested that signs be installed in advance describing when and where construction activities would occur. ESA noted that this may warrant mitigation, which would likely be addressed in the EIR's Recreation section.

- ESA noted that SCE has identified Applicant Proposed Measures (APMs) to reduce environmental impacts that will be implemented as part of the project. ESA and the CPUC review these measures and then identify additional CEQA mitigation measures where appropriate to reduce significant impacts.

- ESA noted that the baseline includes existing conditions as they existed at the release of the NOP. The EIR will evaluate impacts associated with the Project's future construction, operation, and maintenance activities.

- City of Thousand Oaks staff indicated that they would unlikely submit a scoping comment letter.

- Matt Kouba (CRPD) supervises park rangers and would have an interest in recreational issues.

- City of Thousand Oaks requested that they be notified about the project's construction schedule.

ESA Energy

350 Frank H. Ogawa Plaza
Suite 300
Oakland, CA 94612
510.839.5066 phone
510.839.5825 fax

www.esassoc.com

e-mail notes

project	Moorpark-Newbury 66 kV Subtransmission Line Project	project no.	207584.15
date	April 7, 2014 through April 16, 2014	time	9:25 a.m.
present	Colleen Draguesku, USFWS Chris Dellith, USFWS Matt Fagundes, Project Manager, ESA Natasha Dvorak, Biologist, ESA	route to	
subject	E-mail Communication Notes with USFWS Regarding SCE's Proposed Moorpark-Newbury 66 kV Subtransmission Line Project		

key points:

- Natasha Dvorak (ESA) contacted USFWS on April 7, 2014 to ensure that they received the NOP for the Moorpark-Newbury 66 kV Subtransmission Line Project. ESA explained that the project was initially determined to be exempt from CEQA, construction began, but then was later determined to need CEQA review at which point construction was halted. ESA acknowledged that USFWS was contacted at the beginning phase of the project regarding the federally-listed coastal California gnatcatcher, Lyon's pentachaeta, and Conejo dudleya.
- ESA requested USFWS' approach to the project and any concerns that they might have to ensure that they are adequately addressed in the CEQA document.
- On April 7, 2014, Colleen Draguesku (USFWS) responded to ESA's email, noting that she spoke with Rincon Consultants and SCE about the project at the end of November 2013. USFWS noted that they did not receive a request for concurrence nor did they receive any minimization measures that would be implemented to avoid take of federally-listed species.
- ESA sent an e-mail response on April 16, 2014 ensuring that the EIR approach would use the current condition as a baseline. ESA also indicated that there is no anticipated federal nexus for the project.
- USFWS' follow-up e-mail on April 16, 2014 indicated that Chris Dellith would be the primary contact for the project. USFWS clarified that they have not agreed with a "take avoidance approach" and that general avoidance measures were informally discussed over the phone.

APPENDIX F

Scoping Meeting Speaker Cards

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Sophia Pederson

Mailing Address: 10767 citrus drive
Moorpark CA 93021

Organization (if applicable): resident

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Phil Pederson

Mailing Address: 10767 Citrus Dr.
Moorpark CA 93021

Organization (if applicable): /

Brief Comment: in opposition

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Nicole Hauth

Mailing Address: 10767 Citrus Dr.
Mp, CA 93021

Organization (if applicable): Resident

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Damon Wing

Mailing Address: 625 W. Hillcrest Dr.
Thousand Oaks, CA 91360

Organization (if applicable): County of Ventura

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: KEVIN CANNON

Mailing Address: 11621 PRASILLA RD
SRV

Organization (if applicable): SRV MAC

Brief Comment: DID NOT APPRECIATE THE WAY
SCE TRIED TO FLY UNDER THE RADAR.
REALLY APPRECIATE CPUC's WILLINGNESS TO
FORCE THE COMMUNICATION WITH THE COMMUNITY.

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: JOE BARTON

Mailing Address: 12285 RIDGE DRIVE

SRV, CA 93012

Organization (if applicable): _____

Brief Comment: REQUESTING TERMINATION OF 66KV SUBTRANSMISSION LINE AND/OR WIDENING OF SLOPE.

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: WILLIAM L. BRANDT

Mailing Address: 381 PEPPERWOOD CT
THOUSAND OAKS, CA 91360

Organization (if applicable):

Brief Comment: I oppose the power line installation

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: NINA BRANDT

Mailing Address: 381 Pepperwood Ct
T.O

Organization (if applicable): _____

Brief Comment: NO on Moorpark Power lines

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Krista

Mailing Address: 10767 Citrus Dr.
Moorpark Ca 93021

Organization (if applicable): Resident/Home Acres

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Kelly Hall

Mailing Address: 2669 Buggy Lane

Organization (if applicable): _____

Brief Comment: I live in the community adjacent immediately to the lines.

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: PEGGY LUDINGTON

Mailing Address: 10300 E PRESILLA ROAD

SANTA ROSA VALLEY CA 93012

Organization (if applicable): Resident / Lemon Farmer

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: MOANA WALKER

Mailing Address: 10690 TERNEZ DR
MOORPARK CA 93021

Organization (if applicable):

Brief Comment: Resident - Concerned

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Suzanne Camejo

Mailing Address: 11874 Pradera Rd
Sta Rosa VA 93012

Organization (if applicable): SCA -

Brief Comment:

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: MARK BURLEY

Mailing Address: 12328 SAN SEBASTIAN CT
SANTA ROSA VALLEY, CA 93012

Organization (if applicable): SANTA ROSA VALLEY MUNICAL ADVISORY COUNCIL

Brief Comment: _____

Speaker Card

Southern California Edison's Moorpark-Newbury 66 kV Subtransmission Line Project
Educational Workshop and Scoping Meeting
April 10, 2014 at 6:30 P.M.

Name: Danalynn Pritz

Mailing Address: 3625 E. Thousand Oaks Blvd, Ste 176
Westlake Village CA 91362

Organization (if applicable): 1

Brief Comment: _____

APPENDIX G

Scoping Period Written Comments

From: MICHAEL PENILLA <mpenilla@msn.com>
Sent: Saturday, April 12, 2014 3:30 PM
To: Moorpark-Newbury
Cc: claudia4slowgrowth; linda parks; Len Akers; kam.javid; Vic Degutis; Richard Penilla; Paul Mugar; Paul Adalian; Morry Cohen; Mihai Blidarescu; Marta & Victor; Maria Workman; Lorraine La Frenaye; Jim Dunbar; John Manocchio; jorge.rubio; todd.mcnamee; Ana Reconcoj
Subject: POWER LINES

Importance: High

We reside in Newbury Park and have endured the uncontrolled and unsightly/unhealthy installation of power poles and other Edison equipment over the last 40 years. Now, for the first time in recent memory, the community and our elected officials have said "ENOUGH". Our community deserves health security and regulated growth, replacement and upgrade to ALL Edison equipment and installations. We truly believe that should it be determined by the community, our city and county leaders and finally Edison that new consruction,upgrades or replacement be truly needed, it should be REQUIRED to be buried under ground for a variety of reasons. The list is long, but includes: health risk, electrical interference, visual pollution, above ground safety risks, etc.

Edison has, in the past, avoided or resisted working with communities to protect the environment, health, safety or electrical interference. In my opinion it is passed time to immediately start to regulate ALL current and future work by Edison to provide and service power needs to our cities and county. It is my firm belief that only the burying of electrical cables and support equipment will suffice to mitigate energy needs to our communities.

Pease consider these comments and suggestions in this important matter. I believe that if Edison really wanted to be a friend to the community and its customers, it would accept this plan to bury this utility equipment to supply the electrical needs it claims to have identified.

Michael L. Penilla
1036 Fernhill Ave
Newbury Park, CA 91320

Tele: 805.498.7845

From: Cathryn Andresen <barn93012@yahoo.com>
Sent: Thursday, April 17, 2014 10:04 AM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Project objection

To: Mr. Michael Rosauer

From: Cathryn Andresen
9715 Santa Rosa Road
Camarillo, CA 93012 e-mail: barn93012@yahoo.com

Regarding: Public review on the Southern California Edison Moorpark-Newbury Subtransmission project.

I am a property owner directly affected by this project and do not want the SCE project granted permission to proceed as planned .

My parcel shares a property line with the Southern California Edison right-of-way included in the Moorpark-Newbury 66 Kilovolt Subtransmission Line Project. I object to additional transmission lines placed on the east side of the right-of-way adjacent to our property and suggest two possible alternatives.

My ranch and its residences have been here for more than 100 years – long before SCE gained the right-of-way. Family and tenants live and sleep as close as 20 feet from the property line. We object to, and request that, no additional active electrical transmission lines to be placed even closer to our living spaces than SCE lines that already exist.

Please consider a way to route the new transmission lines away from our joint property line (east of the current lines). Here are my suggestions:

1. After the new lines (proceeding north) cross Santa Rosa Road, rout them to the west side of the SCE right-of-way, where no homes are adjacent, and where they can be routed to the original east-side route after they are beyond our shared property line;

2. After the new lines cross Santa Rosa Road, put the new lines underground until they are past our northern property line and past our residences.

Perhaps there are other possible ways to keep the new lines away from our homes and lives. I ask that you seriously consider all alternative routes.

Please let me know that this request has reached the person who can give our request the proper consideration and solution.

I can be reached at 805 491-3242 (afternoons).

Thank you for your prompt attention,
Cathryn Andresen
9715 Santa Rosa Road
Camarillo, CA 93012

From: Glen Longarini <glenlongarini@gmail.com>
Sent: Thursday, April 17, 2014 2:35 PM
To: Moorpark-Newbury

I would like to be added to the information list for te Moorpark – Newbury Transmission Line project.

Thanks,

Glen Longarini

Santa Rosa Valley Municipal Advisory Council

Rosemary Allison, Mark Burley, Kevin Cannon, Janis Gardner, Ruth Means

Chair: Rosemary Allison
rosemaryallison@aol.com
11521 Sumac Lane,
Santa Rosa Valley, CA 93012

April 18th 2014

Mr. Michael Rosauer
CUP Environmental Project Manager
c/o Environmantal Science Associates
550 Kearny Street, Suite 800
San Francisco CA 94108

Re: Moorpark-Newbury Project Notice of Preparation

Dear Mr. Rosauer,

I am writing on behalf of the Santa Rosa Valley Municipal Advisory Council.

Thank you for the recent Educational Workshop and Scoping meeting that was held in Santa Rosa Valley concerning the proposed Moorpark-Newbury 66 kv Subtransmission Line Project.

The EIR for this project must include all work that has been already completed before the CPUC required this EIR. Work already completed on this project has already created visual impacts and has destroyed agricultural assets. No doubt there have already been other environmental impacts. Only by studying this project from its inception can the cumulative impact of this project be properly analysed.

It is our understanding that CEQA does not allow the division of a project into smaller projects that would thereby limit the cumulative impacts and/or the scope of the analysis. In this case, the current proposed EIR not only breaks the total project into smaller projects but also chooses to totally ignore the already completed project.

Please add our chairperson, Rosemary Allison, to your contact list for this EIR at the e-mail address in the letterhead.

Sincerely,

Mark A. Burley

Mark Burley,
SRV MAC member

CC: Ventura County Supervisor Linda Parks

Santa Rosa Valley Municipal Advisory Council

Rosemary Allison, Mark Burley, Kevin Cannon, Janis Gardner, Ruth Means

Chair: Rosemary Allison
rosemaryallison@aol.com
11521 Sumac Lane,
Santa Rosa Valley, CA 93012

June 20th 2014

Mr. Michael Rosauer
CUP Environmental Project Manager
c/o Environmantal Science Associates
550 Kearny Street, Suite 800
San Francisco CA 94108

AND

Mr. Mike Manka, Project Director
Mr. Matthew Fegundes, Project Director
1425 N. McDowell Blvd., Suite 200
Petaluma, CA 94954

SUPPLEMENTAL SCOPING COMMENT

Re: Moorpark-Newbury Project Notice of Preparation

Dear Mr. Rosauer, Mr. Manka and Mr. Fegundes,

This letter is further to the letter from Santa Rosa Valley Municipal Advisory Council regarding this proposed project, dated April 18th 2014.

A number of new facts regarding the Newbury-Moorpark proposed project have come our attention since then. The MAC met with members of the community who recently identified and brought to our attention nine additional alternatives to the proposed Moorpark-Newbury 66 KV line project.

They are summarized in the attachment. Eight of these, if implemented singularly, would completely address the proposed project's "need" based on the loading projection. It is important to note that these newly identified alternatives greatly exceed the expected "need" with little or no impact to the environment.

One of the nine new alternatives is the reconnection of the CAMgen generation and substation to the Newbury substation. This alternative solves three issues. It would:

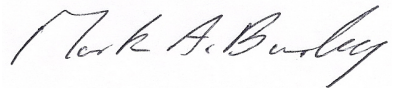
1. Double the capacity provided by the existing Moorpark-Newbury-Pharmacy line,
2. Return the Newbury substation to its pre-2005 capacity
3. Re-establish the lost third power source for the Newbury Substation.

The remaining eight alternatives are also viable and could be implemented on an as needs basis over the next 2-3 years. These are all less expensive and would do less damage to the environment than the proposed project that will bisect our community and abut residential properties.

On June 19th 2014 the Santa Rosa Valley MAC voted on and passed a resolution to request that you consider these newly identified alternatives as part of your environmental review of this project.

Please confirm that these alternatives will be included in the scope of this EIR.

Sincerely,



Mark Burley,
SRV MAC member

CC: Ventura County Supervisor Linda Parks

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

SUPPLEMENTAL SCOPING COMMENT ATTACHMENT

SCE's Project Justification

> "In 2005, SCE initiated the Project in Ventura County (PEA Figure 1.1-1). The Project was first identified to address forecasted overloads on a section of the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (a.k.a. Moorpark-Newbury tap). In addition, the Project also would enhance reliability and operational flexibility in the Electrical Needs Area (ENA). The ENA is defined as the area served by Newbury Substation and Pharmacy Substation within the Moorpark 66 kV Subtransmission System (PEA Figure 1.1-2)."

The primary cause for the conditions outlined in the PEA was the 2005 loss of the third circuit to Newbury substation that ran from CAMgen substation to the Newbury substation. As part of the conversion of California State Mental Hospital to the CSU Channel Islands campus, the Site Authority took over the ownership of the land and CAMgen. The route of the CAMgen to Newbury line was slated for use as homes and townhouses for CSUCI Faculty and Students. SCE lost the right to place poles on the land after the land was transferred to the Site Authority. The map below identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow represents the lines currently in place and the green represents the line removed as part of the transfer of the land to the CSUCI Site Authority. The red pin is the CAMgen substation and the orange pin is the terminus of the line that still connects to Newbury.

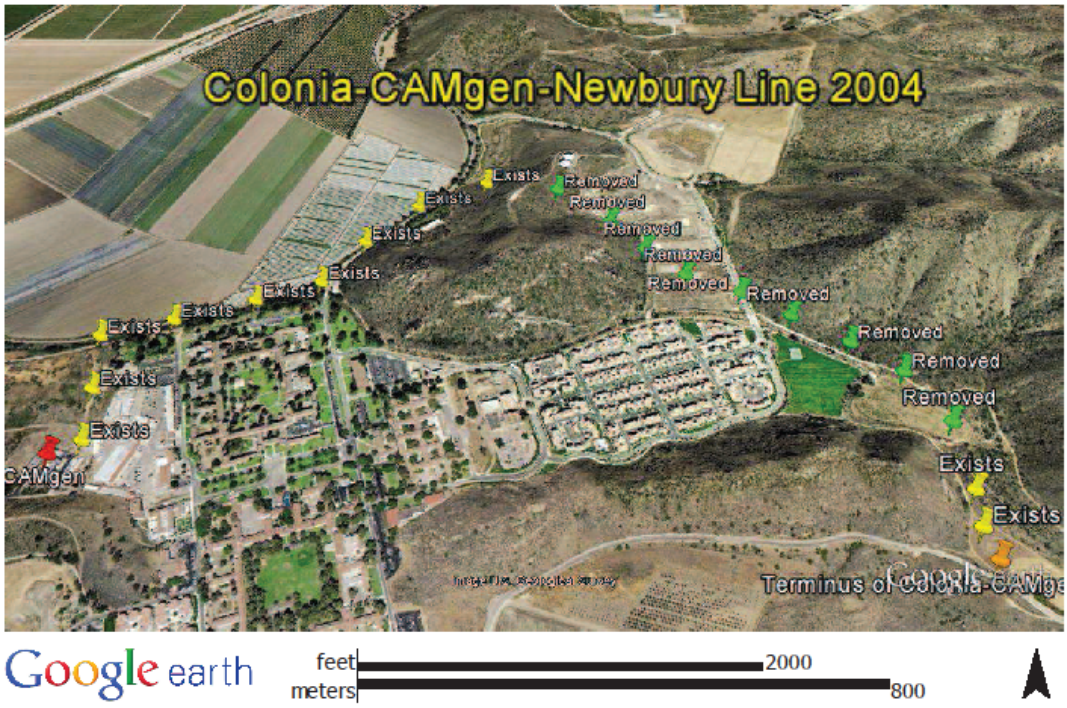


Table 2.1-1: Historical Projected Overloading of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions)

Forecast Year	Line Capacity	Projected Load	% Loading	Year of Projected Overload
2005	920 A	952 A	103.5%	2005
2006	920 A	942 A	102.0%	2006
2007	920 A	963 A	105.0%	2007
2008	920 A	926 A	100.7%	2008
2009†	920 A	967 A	105.1%	2009
2010†	920 A	950 A	103.2%	2010
2011‡	920 A	939 A	102.2%	2014
2012‡	920 A	929A	100.9%	2014
2013	920 A	937 A	101.8%	2021*

Notes:

† SCE's Moorpark System 66 kV subtransmission line forecasts for 2009-2018 and 2010-2019 were completed in megavolt-amperes (MVA), but have been reproduced in amperes (A) here for consistency and ease of reference.

‡ As discussed above, SCE's original Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts assumed that the Project had been constructed and operational since 2011. Therefore, those forecasts did not identify a date by which overloads on the Moorpark-Newbury tap would occur. In contrast, the data in this table reflect the remodeled Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts (which take into account the fact that the Project has not been constructed and has not been operational) and demonstrate that those remodeled forecasts would have projected an overload in 2014.

* Although the line overload is forecasted to occur in 2021 under normal system conditions, the Project is needed in 2020 to address a forecasted voltage drop of 5.18% that would exceed the acceptable 5% limit during an abnormal (N-1) system condition.

Accordingly, the Project is needed to address overload conditions on the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line which are forecasted to occur in 2021 and in subsequent years (as shown below in Table 2.1-2).

Table 2.1-2: Projected Loading on the Existing Moorpark-Newbury Segment of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions) from the 2013-2022 Forecast

Year	Line Capacity	Projected Load	% Loaded
2013	920 A	842 A	91.7%
2014	920 A	845 A	92.0%
2015	920 A	855 A	93.1%
2016	920 A	876 A	95.3%
2017	920 A	890 A	96.9%
2018	920 A	899 A	97.9%
2019	920 A	891 A	97.0%
2020	920 A	914 A	99.6%
2021	920 A	937 A	101.8%
2022	920 A	957 A	104.2%

SCE's Projected Loading

SCE's PEA contains limited information regarding the Projected Loading on the current Moorpark-Newbury-Pharmacy line. Although additional data has been requested, it is clear from the data supplied in PEA Tables 2.2-1 and 2.1-2 (above) that the Projected Loading is overstated. To support this statement, the following data is supplied.

1. SCE predicted an Overloading in each of the last 9 years 2005-2012; however, an Overloading event has never occurred on the Moorpark-Newbury-Pharmacy line.

2. The predicted Projected Loading by SCE has ranged from a high of 967 Amps ("A"), with the lowest of 926 A for year 2008; however, the current Loading is at 842 A.

3. The only public data on Peak Demand in the same city was the data published on the Presidential Substation which shown that the Peak Demand in MW dropped by 12% from 2008 to 2013. Similarly, the Projected Loading of the current Moorpark-Newbury-Pharmacy line in 2008 of 926 A has dropped to 842 A in 2013, or a decline in actual Loading of 9%, in the same time period.

4. Known projects at the Hill Canyon Wastewater Treatment Plant [HCTP], which is in the ENA and served by the Newbury substation, will save over 17 A in 2014. The SCE projection for ENA growth in 2014 is 3 A. This would indicate that other customers in the ENA would drive growth by 20 A and it is unclear where the 20 A of growth would occur given the decline over the last 5 years of 9% in the actual Loading.

5. The ENA consists of a fully built up portion of the City of Thousand Oaks. The Moorpark-Newbury-Pharmacy line loading has dropped 1.5% per year since 2008; however, SCE projects that it will reverse to a growth of 1.5% per year. The growth rate of 1.5% is not explained or supported in the assumptions of the PEA.

6. Several factors will influence the Projected Loading in 2014, most would reduce Projected Loading. They include but are not limited to:

    A. All small and medium businesses are now on Time of Use rating. TOU will impose a surcharge on use during peak time, encouraging conservation for the majority of businesses, which in turn will lower Peak Demand and Loading.

    B. SmartConnect is still in the learning and adoption stage. The bulk of the 5% reduction in peak demand expected from SmartConnect, which directly impacts Projected Loading, is yet to be realized.

C. The largest employer in the ENA, AMGEN, continues to reduce employee head count. Amgen has reduced employees by 15% since 2007 peak. Reductions in employees will result in a lower HVAC requirement and lower Projected Loading attributed to the facility.

D. Prop 39 will provide significant resources to the Conejo Valley Unified School District. Prior to passage of Prop 39 there were 3.6 MW or 32 A of projects expected in the ENA by the CVUSD. As in the case of HCTP it is unclear if currently planned projects for the CVUSD or new Prop 39 projects were considered in the Projected Loading.

Given the significant impact of items A-D that will likely reduce the Loading for 2014, it would seem prudent to review the actual Loading after the effects are realized.

Project Alternatives

The GRC 2015 budget request for the new Moorpark-Newbury line suggests that there are only two Alternatives. SCE advances the need for a new dual circuit 66 kv line and abandons the alternative of upgrading the currently Moorpark-Newbury-Pharmacy line. That second Alternative, acknowledged by SCE, is the upgrade of the conductors of the two circuits supplying the Newbury Substation.

The type and scope of the ten additional proposed Alternatives to the project would yield a total of 1,685 A. They are offered as a menu of projects that can be authorized to offset the Projected Loading shortfall of 37 A. The ten Alternatives are based on proven technologies, all of which can be implemented within 2-3 years to avoid any Overloading condition. These ten alternatives we recently have identified are:

1. **Re-connect the Colonia-CAMgen-Newbury line to CAMgen substation.**

Approximately 1.5 miles of 66 kV circuit can be installed on public right of way (Potrero Road) to restore the third circuit and additional Amp capacity to Newbury Substation. Assuming that the line is reconnected with the lower rated conductor of 653.9, approximately 920 A would be added in capacity to the current 920 A. The two circuits would total 1840 A, which is significantly higher than the 957 Amps projected by SCE for the ENA in 2022.

2. **Have the major commercial sites in the ENA enroll a portion of their 50.7 MW of back-up generators into a demand response program**.

If only 50% of the customers accepted the natural gas upgrades the 50.7 MW would reduce the Amp draw on the Moorpark-Newbury-Pharmacy line from a projected 957 A

to only 737 A. The resultant Loading of 737 A is well under the 920 A rating of the existing Moorpark-Newbury-Pharmacy line.

3**. Install 10 MW of rooftop or centralized thermal storage units in the commercial section of the ENA.**

The installation can either be one-time or incremental to match SCE's projected growth in Amps of 1.5% annually. The commercial area north of SR101 at Borchard Rd includes many large commercial structures ideal for thermal HVAC thermal storage. The 10 MW of thermal storage would reduce the peak demand by 87 A to 870 A compared to a rating of 920 A.

4. **Install solar PV on selected commercial rooftops throughout the ENA.**

There are 0.9 MW of solar projects postponed in the Newbury zip code of 91320. If funded, in lieu of a 66kV line, the impact would negate the one year of projected growth.

5. **Increase the capacity of the existing conductors of Moorpark-Newbury-Pharmacy and Thousand Oaks-Newbury lines.**

This would increase the Amp capacity to approximately 1000 A and well over the project 957 A. This Alternative is the only Alternative to the new Moorpark-Newbury lines that is discussed in the PEA and the GRC 2015.

6. **Re-Connect the CAMGen generating station on CSU Channel Islands campus to provide 28+ MW of generation through the reconnected Colonia-CAMGen-Newbury line.**

A retrofit of the CAMgen facility, with waste heat recovery, could increase the saleable energy to 35-50 MW. The 28 MW is partially allocated to the CSUCI campus, leaving approximately 25 MW or 220 Amps for Newbury's ENA. The re-connection of the CAMGen plant would reduce the Projected Loading to 737 A, well under the current line rating of 920 A

7. **Convert the 5.4 MW of stand-by generation at the Hill Canyon Treatment Plant [HCTP] to SGIP with a retrofit to natural gas to meet emissions standards**.

The 5.4 MW would reduce the Amps on the Moorpark-Newbury-Pharmacy circuit by 47 A and reduce the projected peak Amps from 957 A to 910 A, below the rating of the current line of 920 A.

8**. Increase generation and reduce peak demand at the HCTP.**

The HCTP is connected to the Newbury Substation and has significantly reduced its peak demand in 2014 by .5 MW through EE, SGIP and Solar PV. In addition, there is additional capacity to increase the Bio Gas and solar PV generation by 1.6 MW. The combined impact of changes in 2014 and the available installs total 2.1 MW or 18 A.

9. **Implement pending Conejo Valley Unified School District [CVUSD] energy project**s.

The CVUSD has numerous facilities located in the ENA. CVUSD has done extensive energy audits and Solar PV feasibility analysis. The pending projects would generate 4.2 MW or 37 A. These projects when implemented would reduce the Projected Loading to 920 A, the current capacity of the Moorpark-Newbury-Pharmacy line.

10. **Implement Solar PV projects in the ENA.**

The GRC 2012 settlement with Vote Solar provides for a Solar PV projects to be considered in an RFP as an Alternative to a Transmission/Distribution project. The ENA provides an excellent site for implementation of the Settlement RFP given the large number of commercial flat rooftops, the solar index, the concentration of buildings, and the 9 years before the Projected Loading may exceed the current capacity of 920 A. In addition to the rooftop solar PV, there are numerous disturbed sites that would support a ground install of 5 MW (or 44 A) to bring the Projected Loading below the current rating of 920 A.

The type and scope of these Alternatives total 1,685 A. They are suggested as a menu of potential projects to offset the Projected Loading shortfall of 37 A. These Alternatives are based on proven programs and technologies and can be implemented within 2-3 years, well before the Projected Loading Overloading of 37 A in 2021.

The Table below summarizes the Increased Capacity and Load Reduction for each of the ten Alternatives:

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Alternative to Proposed New Moorpark-Newbury Line	Increased Capacity Amps	Load Reduction Amps	
Reconnect to Colonia-CAMgen	920		
Demand Response for Generators		220	
Commercial HVAC Thermal Storage		87	
Commercial Solar PV withdrawn		12	
Upgrade to 954 Conductors	80		
Re-Connect CAMgen Generator	220		
Convert HCTP to Peaker	47		
HCTP 2014 Project Impact		18	
CVUSD Projects in 91320		37	
VoteSolar RFP for 5MW		44	
	1267	418	1685

NOTE: The amount of Projected Loading Shortfall in 2022 per Southern California Edison is 37 A compared the range of Alternatives totaling 1,685 A.

The CAMgen RE-Connect Option, Alternative #1:

As can be seen in the above table, the Alternative alone would meet the projected needs of the Newbury ENA at an estimated cost of $1 million. A site map is provided below.

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Map Of the CAMgen Re-Connect Alternative

The map identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow pins represent the lines currently in place. The green pins represent the lines removed as part of the transfer of the land to the CSUCI Site Authority.

The lowest red pin on the map is the CAMgen substation site. The orange pin is the terminus of the 66 kV line already connected to Newbury. The blue solid line on the southern border of the map represents the route option for Re-Connect Alternative (one of ten Alternatives being suggested). The line depicts the re-connection of the severed Colonia-CAMgen-Newbury line Alternative on 1.5 mile of existing right of way as a pole replacement project. There is no project estimate from SCE for the reconnection. The terrain is public roadway (Potrero Road), so it is expected this would cost less than $1 million (roughly $0.6 million per mile of TSP with 66kV circuit). It would entail little environmental disturbance as it is simply a pole replacement project in the 1.5 mile area where the re-connection would be established.

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

April 22, 2014

Mr. Michael Rosauer
California Public Utilities Commission
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108
Moorpark-Newbury@esassoc.com

Subject: Notice of Preparation of a Draft Environment Impact Report for the Moorpark-Newbury 66 kV Subtransmission Line Project, Ventura County SCH# 2014031073

Dear Mr. Rosauer:

The California Department of Fish and Wildlife (Department) has received the Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Moorpark-Newbury 66 kV Subtransmission Line Project (project) to be prepared for the California Public Utilities Commission (CPUC). The majority of the project had already been constructed prior to November 2011, when the CPUC issued Decision 11-11-019, which ordered Southern California Edison (SCE) to halt all construction activity, provide certain specified information, and to file a permit to construct (PTC) application in order to complete the project. The SCE has determined that the project is still needed, and has submitted its PTC Application and Proponent's Environmental Assessment (PEA). The project includes the construction of subtransmission line segments within the Moorpark-Newbury service area to ensure the availability of safe and reliable electric service to meet customer demand in the local Electrical Needs Area (ENA).

The Department is California's Trustee Agency for fish and wildlife resources, holding these resources in trust for the People of the State pursuant to various provisions of the California Fish and Game Code (Fish & G. Code, §§ 711.7, subd. (a); 1802.). The Department submits these comments in that capacity under the California Environmental Quality Act (CEQA) (See generally Pub. Resources Code, §§ 21070; 21080.4.). Given its related permitting authority under the California Endangered Species Act (CESA) and Fish and Game Code section 1600 *et seq.*, the Department also submits these comments as a potential Responsible Agency for the project under CEQA (*Pub. Resources Code*, § 21069).

The California Wildlife Action Plan, a recent Department guidance document, identified the following stressors affecting wildlife and habitats within the project area: 1) growth and development; 2) water management conflicts and degradation of aquatic ecosystems; 3) invasive species; 4) altered fire regimes; and 5) recreational pressures. The Department looks forward to working with the CPUC and SCE to minimize impacts to fish and wildlife resources with a focus on these stressors. A copy of the current California Wildlife Action Plan can be viewed at: http://www.wildlifeactionplan.org/california.

To enable Department staff to adequately review and comment on the proposed project we recommend the following information, where applicable, be included in the DEIR:

1. A complete, recent assessment of flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened, and locally unique species and sensitive habitats including:

   a. A thorough, recent assessment of rare plants and rare natural communities, following the Department's Guidelines for Assessing Impacts to Rare Plants and Rare Natural Communities. (See Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities at: http://www.dfg.ca.gov/habcon/plant/.)

   b. A complete, recent assessment of sensitive fish, wildlife, reptile, and amphibian species. Seasonal variations in use within the project area should also be addressed. Recent, focused, species-specific surveys, conducted at the appropriate time of year and time of day when the sensitive species are active or otherwise identifiable, are required.

   c. Rare, threatened, and/or endangered species should include all those species which meet the related definition under the CEQA Guidelines (See Cal. Code Regs., tit. 14, § 15380).

   d. The Department's Biogeographic Data Branch in Sacramento should be contacted at (916) 322-2493 (www.dfg.ca.gov/biogeodata) to obtain current information on any previously reported sensitive species and habitats, including Significant Natural Areas identified under Chapter 12 of the Fish and Game Code. Also, any Significant Ecological Areas (SEAs) or Environmentally Sensitive Habitats (ESHs) or any areas that are considered sensitive by the local jurisdiction that are located in or adjacent to the project area should be addressed.

2. A thorough discussion of direct, indirect, and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts. This discussion should focus on maximizing avoidance, and minimizing impacts.

   a. CEQA Guidelines Section 15125(a) direct that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.

   b. A cumulative effects analysis should be developed as described under CEQA Guidelines, Section 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.

   c. Project impacts including deposition of debris should also be analyzed relative to their effects on off-site habitats and populations. Specifically, this should include nearby public lands, open space, natural habitats, and riparian ecosystems. Impacts to and maintenance of wildlife corridor or movement areas, including access to undisturbed habitat in adjacent areas are of concern to the Department and should be fully evaluated and provided. The analysis should also include a discussion of the potential for impacts

resulting from such effects as increased vehicle traffic, outdoor artificial lighting, noise and vibration, and pest management.

d. Impacts to migratory wildlife affected by the project should be fully evaluated including proposals to remove/disturb native and ornamental landscaping and other nesting habitat for native birds. Impact evaluation may also include such elements as migratory butterfly roost sites and neo-tropical bird and waterfowl stop-over and staging sites. All migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. § 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of birds and their active nests, including raptors and other migratory nongame birds as listed under the MBTA.

e. Construction activities in Active Breeding and/or Nesting season should be avoided. If the nesting season cannot be avoided and construction or vegetation removal occurs between March 1st to September 15th (January 1st to July 31st for raptors), the Permittee will do one of the following to avoid and minimize impacts to nesting birds[1];

1) Implement a default 300 foot minimum avoidance buffer for all passerine bird nests and 500 foot minimum avoidance buffer for all raptor species. The breeding habitat/nest site shall be fenced and/or flagged in all directions, and this area shall not be disturbed until the nest becomes inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, and the young will no longer be impacted by the project[2].

2) Develop a project-specific Nesting Bird Protection Plan. The site-specific nest protection plan shall be submitted to the lead agency for review and the Department. The Plan should include detailed methodologies and definitions to enable a qualified Department-approved avian biologist to monitor and implement nest-specific buffers based upon the life history of the individual species; species sensitivity to noise, vibration, and general disturbance; individual bird behavior; current site condition (screening topography, vegetation, etcetera), ambient levels of activities; and the various project-related activities necessary to construction of the project. This Nesting Bird Protection Plan shall be supported by a Nest Log which tracks each nest and the survivorship of nestlings and fledglings. The Nest Log will be submitted to the Lead Agency and the Department at the end of each week.

3) The Project Proponent may propose an alternative plan for avoidance of nesting birds for Department review.

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[1] Qualified avian biologist shall establish the necessary buffers to avoid take of nest as defined in FGC 3503 and 3503.5.

[2] NOTE: Buffer area may be increased if any endangered, threatened, or CDFW species of special concern are identified during protocol or pre-construction presence/absence surveys.

f. Impacts from project activities that will result in disturbances to habitat that may provide maternity roosts for bats (e.g., tree cavities, under loose bark, buildings), should occur outside of the bat breeding season which generally runs from March 1-August 31. Bats are considered non-game mammals and are afforded protection by state law from take and/or harassment (Fish and Game Code § 4150, California Code of Regulations, § 251.1). Several bat species are also considered special status species and meet the CEQA definition of rare, threatened, or endangered species (CEQA Guidelines Section 15065).

g. Impacts to natural habitats from implementing Fuel Modification Zones should be addressed with appropriate mitigation. Areas proposed for project mitigation should be located outside fuel modification zones.

3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives which avoid or otherwise minimize impacts to sensitive biological resources including wetlands or riparian habitats, alluvial scrub, coastal sage scrub, should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity where appropriate.

   a. Mitigation measures for project impacts to sensitive plants, animals, and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Compensation for unavoidable impacts through acquisition and protection of high quality habitat elsewhere should be addressed with off-site mitigation locations clearly identified.

   b. The Department considers Rare Natural Communities as threatened habitats having both regional and local significance.

   c. The Department generally does not support the use of relocation, salvage, and/or transplantation as mitigation for impacts to rare, threatened, or endangered species. Department studies have shown that these efforts are experimental in nature and largely unsuccessful.

4. Take of any endangered, threatened, or candidate species that results from the project is prohibited, except as authorized by state law (Fish and Game Code, §§ 2080, 2085.). Consequently, if the project, project construction, or any project-related activity during the life of the project will result in take of a species designated as endangered or threatened, or a candidate for listing under the CESA, the Department recommends that the project proponent seek appropriate take authorization under CESA prior to implementing the project. Appropriate authorization from the Department may include an incidental take permit (ITP) or a consistency determination in certain circumstances, among other options (Fish and Game Code §§ 2080.1, 2081, subds. (b),(c)). Early consultation is encouraged, as significant modification to a project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, may require that the Department issue a separate CEQA document for the issuance of an ITP unless the project CEQA document addresses all project impacts to CESA-listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of an ITP. For these reasons, biological mitigation monitoring and reporting proposals should be of sufficient detail and resolution to satisfy the requirements for a CESA ITP.

5. The Department opposes the elimination of watercourses (including concrete channels, blue-line streams, and other watercourses not designated as blue-line streams on USGS maps) and/or the channelization of natural and manmade drainages or conversion to subsurface drains. All wetlands and watercourses, whether intermittent, ephemeral, or perennial, must be retained and provided with substantial setbacks which preserve the riparian and aquatic habitat values and maintain their value to on-site and off-site wildlife populations. The Department recommends a minimum natural habitat buffer of 100 feet from the outside edge of the riparian zone on each side of drainage.

    a. The Department also has regulatory authority with regard to activities occurring in streams or lakes that could adversely affect any fish or wildlife resource. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) or a river or stream or use material from a streambed, the project applicant (or "entity") must provide written notification to the Department pursuant to Section 1602 of the Fish and Game Code. Based on this notification and other information, the Department then determines whether a Lake and Streambed Alteration (LSA) Agreement is required. The Department's issuance of an LSA Agreement is a project subject to CEQA. To facilitate issuance of a LSA Agreement, if necessary, the environmental document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources. Again, the failure to include this analysis in the project's environmental impact report could preclude the Department from relying on the Lead Agency's analysis to issue a LSA Agreement without the Department first conducting its own analysis, as Lead Agency for subsequent or supplemental analysis for the project.

Thank you for this opportunity to provide comments. Please contact Mr. Dan Blankenship, Senior Environmental Scientist (Specialist) at Daniel.Blankenship@wildlife.ca.gov or (661) 259-3750 if you should have any questions and for further coordination on the proposed project.

Sincerely,

Betty J Courtney

Betty Courtney
Environmental Program Manager I
South Coast Region

ec: Dan Blankenship, CDFW, Newhall
Jeff Humble, CDFW, Ventura
State Clearinghouse, Sacramento

DEPARTMENT OF TRANSPORTATION
DISTRICT 7, OFFICE OF TRANSPORTATION PLANNING
IGR/CEQA BRANCH
100 MAIN STREET, MS # 16
LOS ANGELES, CA 90012-3606
PHONE: (213) 897-9140
FAX: (213) 897-1337

Flex your power!
Be energy efficient!

April 21, 2014

Mr. Michael Rosauer
California Public Utilities Commission (CPUC),
505 Van Ness Avenue
San Francisco, CA 94102-3298

Re: **Moorpark Newbury 66kV**
Subtransmission Line Project
Notice of Preparation of a Draft EIR
SCH #2014031073,IGR#140405DW/FL
Vic. VEN-118/PM 16.46

Dear Mr. Rosauer:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. Based on the Notice of Preparation of an Environmental Impact Report (EIR), the proposed project is to complete the following remaining portion of the project, which ordered to halt construction due to the issuance of CPUC Decision 11-11-019 in November 2011:

- Construction of 1,200 feet of underground line,
- 5 miles of new 66 kV line on new tubular steel poles,
- 2 miles of new 66 kV line within the Moorpark-Newbury-Pharmacy 66 kV Subtransmission line,
- 1 mile of the new 66 kV Subtransmission line into Newbury Substation.

Although, the EIR will also discuss and analyze a number of alternatives currently identified in the Environmental Assessment report - System Alternative 2 and 3, Subtransmission Line Route Alternative 2 and 3, and two No Project alternative scenarios.

To assist Caltrans in our efforts to evaluate the impacts of this project on State Transportation Facilities, please forward a copy of the environmental document once it's prepared. Currently, Caltrans has the following comments:

- When feasible, please restrict construction related truck trips, which may affect State Route (SR) 118 (intersects Gabbert Road/Tierra Rejada Road and especially during Project Section 2), SR 23 (intersects Tierra Rejada Road), and SR 101 (intersects Borchard Road), to the off-peak commute period.
- Please prepare a traffic control plan and submit it for Caltrans' review.
- Include a discussion of mitigation measures appropriate to alleviate anticipated traffic impacts.

- As a reminder, various permits may be needed for this project, such as but not limit to – oversize vehicle permits, transportation permits (any wide loads or unusual loads), encroachment permits (any work performed within the State Right-of-Way), etc. – For information on the Permit process, please contact Caltrans District 7 Office of Permit at (213) 897-3631.

If you have any questions or concerns regarding these comments and wish to schedule a meeting, please feel free to contact me at (213) 897 – 9140 or project coordinator Frances Lee at (213) 897-0673 or electronically at frances.lee@dot.ca.gov.

Sincerely,

DIANNA WATSON
IGR/CEQA Branch Chief
Caltrans District 7

cc: Scott Morgan, State Clearinghouse

From: Jeff Hargleroad <jeffhargleroad@gmail.com>
Sent: Wednesday, April 23, 2014 10:48 AM
To: Moorpark-Newbury
Cc: Terri Hargleroad
Subject: Moorpark Newbury Park Project EIR

My wife and I own and live on land that has the recorded easement of the 325' corridor on this project. I wanted to write this email **in support of the current plan and pole positioning**. Any changes to the project in our opinion are inconsistent with the intent of the easement recorded in 1970 (which is on everyone's title and thus known) and would have a negative impact on other properties and their use, viewshed and incur unknown increases in costs that rate payers would have to bear.

We would both like to be included on the dissemination of information on this project. Rudy Gonzales from SCE indicated this email and comments would allow us to be a party to information on this project's progress.

Thanks in advance; email addresses below:

jeffhargleroad@gmail.com
thargleroad@aol.com

From: stephen fusci <steve@internationalfilters.com>
Sent: Wednesday, April 23, 2014 11:47 AM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Park EIR

Mr. Michael Rosauer

I own 3070 Cerzanne in Moorpark. The transmission power lines relative to the above referenced EIR traverse a portion of my property.

I purchased the ranch in 1988 with my father and subsequently built his retirement dream home on the property. I intend to pass on this home to my daughter.

When I purchased this property my title report clearly indicated, how and where , my property was burdened by the SCE easement. Plain and simple.

So..... now that the infrastructure is completed there appears to to be some people that are objecting to the current plan and pole positioning.
The first clue for these objectors should have been to read their title reports and then make an informed decision as to whether they want to proceed forward with the purchase. The SCE easement is crystal clear..... SCE has the right to construct within their current easement.

I will oppose any possible relocation of the poles and take it to what ever legal level I need to escalate it to. There will not be any SCE incursion onto my property without an extensive legal challenge by me.

" So... your Honor..... SCE wants to relocate the power poles on my property and abandon the current infrastructure because someone is complaining."

This would be my opening statement in defense of any possible condemnation proceedings SCE would care to undertake.

I support the current plan and pole positioning.

Please include me in the dissemination of information on this project.

Thank You

Stephen Fusci
Steve@Internationalfilters.com

805-604-0411

April 23, 2014

MR. Michael Rosauer
Moorpark- Newbury Project
C/O Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108

Subject: **NOP, Permit to Construct the Moorpark-Newbury 66KV Subtransmission Line Project (A.13-10-021)**

Dear Mr. Rosauer:

Danalynn Pritz, Alan and Peggy Ludington and I filed the April 15, 2010 Application for Rehearing of Resolution E-4243, appealing the first attempt to secure approval for the Project. Now, I am also a party to the pending matter of the Application for Permit to Construct, Case No. A.13-10-021.

Collectively, we wish to state our objections to the CPUC decision to deem the Permit to Construct (PTC) application #A.13-10-021 (the Application) for the Moorpark-Newbury 66KV Subtransmission Line Project (The Project) complete. CPUC failed 1) to base the Project on the Project described in Advice Letter 2272-E and incorporate the administrative record, and 2) to adequately analyze the information in the Application[1] including the description of the Project when it deemed the Application complete on November 27, 2013. The Notice of Preparation (NOP) is misleading and fails to describe the "whole of the project". The NOP fails to provide necessary information to permit the public and governments to properly asses the potential effects of the Project and make informed comments on the scope of the EIR and the alternatives to be considered. Southern California Edison (SCE/the Applicant) has intentionally withheld adverse environmental consequences associated with the Project and continues to deny potential environmental impacts (refer to Application and supporting information). CPUC Staff is biased, in favor of the Applicant as evidenced by the administrative record of Advice Letter 2272-E, CPUC Decision 11-11-019 and action to deem the current Application complete. Therefore, CPUC Staff is not the appropriate entity to administer the California Environmental Quality Act (CEQA) for the Project. CPUC must select an independent entity to administer CEQA, or assign the Lead Agency status to another affected agency. As a result of the Applicants failure to disclose critical information, the CPUC's failure to prevent Project construction activities and the Applicant's misrepresentation of the CEQA status to responsible agencies, the environment has been damaged. Appropriate Project mitigation is mandated for impacts caused by Project construction activities, as well as, disciplinary actions against the Applicant and those at CPUC responsible for allowing Project construction to occur.

[1] APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-E) FOR A PERMIT TO CONSTRUCT ELECTRICAL FACILITIES WITH VOLTAGES BETWEEN 50 KV AND 200 KV: MOORPARK-NEWBURY 66 KV SUBTRANSMISSION LINE PROJECT

Our objections are articulated below.

- **The Application does not address the whole of the Project**. CPUC is allowing the Applicant to redefine the Project, to piecemeal the Project to reduce the Projects scope, minimize environmental impacts and to avoid and/or minimize compliance with the California Environmental Quality Act (CEQA). CPUC failed to base the Project on Advice Letter 2272-E and the administrative record up to and including CPUC Decision 11-11-019, prior to deeming the Application complete. This attempt to piecemeal the Project is supported by the CPUC. Had the CPUC considered the administrative record, the scope of the Project would at a minimum have included the Project described in Advice Letter 2272-E and the administrative record up to and including CPUC Decision 11-11-019.

- **The Project is part of a larger project**. The Project is an amendment to a local area[2] within the ISO Controlled Grid[3] to correct local reliability issues in compliance with NERC Planning Standards. The "Project" must include the affected grid and describe all other reasonably foreseeable changes, now and in the future. The Project must include a description of other relevant programs[4] that have the potential to affect the environmental impacts of proposed Project on the environment. This includes any considerations being considered by SCE to fulfill their responsibility to manage the existing grid in a prudent manner in expectation of possible future needs that will effect the decision making ability for the Project.

- **The Application is not complete**. The Application is not complete for the reasons stated above. In addition, the Project is not consistent with the policy of the CPUC, as reflected in the Garamendi Principles (SB 2431, Chapter 1457, Statutes of 1988, Garamendi). The Garamendi Principles state:

    1. "**Encourage the use of existing rights-of-way by upgrading existing transmission facilities where technically and economically justifiable.**"

       While the use of existing rights-of-way by upgrading existing transmission facilities are encouraged. This Project proposes to construct new transmission facilities, not upgrade existing facilities. In so doing, this Project will overload the Ormond Beach-Moorpark right-of-way/easement resulting in power lines dangerously close to sensitive land uses, impact habitat for protected species, have the potential to impact cultural resources and resulted in aesthetic impacts from public view corridors. Prior to the PTC Application being deemed complete, the Application must demonstrate that it is not technically and economically justifiable to use the existing rights-of-way by upgrading existing transmission facilities as required by Garamendi.

[2] The term "local area" includes but is not limited to the "Moorpark System".
[3] The term "Grid" as used herein includes all transmission lines, substations and electrical facilities.
[4] Including but not limited to: The 2014 Energy Storage Procurement Plan.

2. "**When construction of new transmission lines is required, encourage expansion of existing rights-of-way, when technically and economically feasible.**"

   No evidence has been presented to the public that the Applicant/CPUC considered expansion of existing rights-of-way; nor has the Applicant disclosed other future needs within the ROW to fulfill their responsibility to "manage the existing ROW in a prudent manner in expectation of possible future needs". While not defined in this Application, this responsibility has been used to limit the range of Project alternatives. There has been no disclosure of technical and economical feasible or feasibility of alternatives to the Project. Prior to the PTC Application being deemed complete by the CPUC, the Application must consider expansion of the existing ROW as required by Garamendi.

3. "**Provide for the creation of new rights-of-way when justified by environmental, technical, or economic reasons, as determined by the appropriate licensing agency.**"

   No evidence has been presented to the public that the Applicant considered the creation of new rights-of-way. It is justified in this case because the Project will overload the easement and result in environmental impacts (including but not limited to power lines dangerously close to sensitive land uses, impact habitat for protected species, has the potential to impact cultural resources and resulted in aesthetic impacts from public view corridors). Project construction activities have already resulted in adverse impacts to the environment.[5] Prior to the PTC Application being deemed complete, the Application must consider creation of new rights-of-way as required by Garamendi.

4. "**Where there is a need to construct additional transmission, seek agreement among all interested utilities on the efficient use of that capacity.**"

   No evidence has been presented that the Project Applicant has sought agreement among all interested utilities on the efficient use of that capacity.

To be consistent with Garamendi, utilities should take appropriate mitigation measures to reduce the environmental impacts of proposed projects. Based on the information presented to the public, the proposed Project reflects the absence of coordinated transmission and land-use planning. The lack of planning and coordination is a major impediment to transmission development in California resulting in higher costs to ratepayers. The Applicant's PTC application materials deny the Project has the potential to affect the environmental. The facts indicate the Project encroaches into urban areas where expansion of transmission facilities within the Ormond Beach-Moorpark right-of-way could pose significant environmental problems, hence, the CPUC decision to require an EIR for the Project. The basic principles and policies expressed in Garamendi formed a sound foundation for assessing and

[5] Refer to PTC Application; Proponent's Environmental Assessment, Section 4.0 Biological Resources (and Appendix F) and Streambed Alteration Agreement(s) ((SAA) No. 1600-2011-0325-R5, Revision 2 (which includes mitigation for Significant Project Impacts)).

designating transmission corridors then and are still persuasive today, over 20 years after they were first articulated.

The Project is not consistent with SB 2431, Chapter 1457, Statutes of 1988, (Garamendi). Without the information required by Garamendi, the Application is incomplete and fails to provide necessary information to permit the public and governments to properly asses the potential effects of the Project and make informed comments on the scope of the EIR and the alternatives to be considered.

- **The Application misrepresents the Project**. The Project is not "a rate-setting proceeding" as stated in the Application[6].

- **The definition of the Project is unclear**. It is unclear from the Application what the details of the Project are. There are contradictory statements in the Application. Based on the public file referenced by the NOP, CPUC requested clarification[7] and it is not clear what action the CPUC took to accept the responses[8] as adequate or modify the Project Application.

  The CPUC Website provided the notice for the April 10th public Scoping Meeting. The information on the CPUC Website is misleading. The notice states the purpose of the Project is to "address forecasted overloads on a section of the existing line and to enhance reliability and operational flexibility", but the NOP states a different purpose of the Project (refer to website[9]). As a result of the different Project purposes we and other members of the public and local governments are confused. As a result, we and other members of the public and governments are unable to properly asses the potential effects of the Project and make informed comments on the scope of the EIR and the alternatives to be considered.

- **The NOP is incomplete and misleading**. Based on the inadequacy of the PTC Application, the NOP is incomplete, misleading and depriving the public and governments the information needed to properly asses the proposed Project and make informed comments on the scope of the EIR and the alternatives to be considered.

Therefore, we demand:

- **CPUC immediately cease all CEQA proceedings and re-examine the Application to determine if it is complete**.

- **CPUC determine the Application incomplete and notify SCE that the Application must addresses the whole of the Project**.

- **CPUC conduct a new CEQA Scoping process**. The CPUC conduct a new CEQA scoping process/NOP informing the public and governments of the Project history, all legal and

[6] Rule 2.1(c) of the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20)
[7] Data Request Letter No. 1, February 3rd, 2014
[8] SCE Responses, February 14, 2014
[9] http://www.cpuc.ca.gov/Environment/info/esa/moorpark_newbury/index.html

administrative decisions and the relationship of this Project, as well as all other reasonably foreseeable changes to the local area grid, including a full disclosure of factors being considered by SCE to manage the existing ROW in a prudent manner in expectation of possible future needs (note: the requirement to "manage the existing ROW in a prudent manner in expectation of possible future needs" while not defined in this Application has been used to limit the range of alternatives.).

- **CEQA scoping process provide information on Applicant related planning efforts**. The new CEQA scoping process provide information on all SCE's related planning efforts and the potential impact of those planning efforts[10] on the Project's potential environmental effects.

Only when all of the above have been made available to the public will the public and governments have sufficient information to properly asses the potential effects of the Project and make informed comments on the scope of the EIR and the alternatives to be considered.

Independent Investigation:

- We demand CPUC cause an independent investigation to be conducted to determine if the Applicant withheld information from the public, local governments and CPUC on the Project's potential environmental consequences during CPUC processing of Advice Letter 2272-E[11].

- We demand CPUC cause an independent investigation to be conducted to determine if the Applicant withheld information on the appeal of Advice Letter 2272-E[12] in applying for permits, certifications and or agreements from state and federal government agencies to construct a portion of the Project described in Advice Letter 2272-E.

Should either investigation reveal the Applicant or CPUC withheld information from the public, local governments on the Project's potential environmental consequences, we demand: 1) the CPUC invalidate all permits, certifications and/or agreements issued for the Project, 2) cause the improvements to be removed and 3) assess punitive damages against those responsible. Such damages should not result in additional fees to ratepayers.

[10] Including but not limited to: SCE - 2014 Energy Storage Procurement Plan.
http://www.cpuc.ca.gov/NR/rdonlyres/71548FD1-B5EB-456E-8AAA-FCD25EADE77E/0/SCE_StorageTestimony.pdf

[11] Including but not limited to: 1) December 2007 letter from Owl Clan Consultants to Philippe Lapin, SCE, Subject Native American Consultation regarding Moorpark-Newbury-Pharmacy 66kV New Source Line project, Ventura County, California; and
2) Response of Southern California Edison Company (U 338-E) to Application of Alan and Peggy Ludington, Danalynn Pritz, and David J. Tanner for Rehearing of Resolution E-4243, Dated: 02/03/2014. Was the Applicant aware that their 2008 report did not comply with 2009 CDFG protocols during CPUC consideration of Advice Letter 2272-E and the Rehearing of Energy Division Resolution E-4243 Affirming Resolution E-4225 Related to Southern California Edison's Proposed Moorpark-Newbury 66kV Subtransmission Line Project, March 20, 2010?

[12] Including but not limited to: April 15, 2010 Petition for Rehearing filed by Alan and Peggy Ludington, Danalynn Pritz and I.

Should the CPUC determine the Application is complete and addresses the whole of the Project and a new Scoping process is not required, we have the following comments on the scope of the EIR.

Scope of EIR

- The Projects Description must include Project Goals and Objectives. Please have the Project include the following goals and objectives:

  - The Project will use best available technology to conserve energy and reduce GHG emissions;
  - The Project will avoid long-term visual impacts;
  - The Project will avoid impacts to sensitive flora and fauna;
  - The Project will avoid impacts to human health;
  - The Project will utilize the most cost effective technology to meet the Projects goals and objectives; and
  - The Project will be designed in compliance with all applicable rules, regulations and policies.

- The Project Description must include Project Phasing/timeline.

- In order for the EIR to fully evaluate the Project's effect on the environment and identify alternatives (or the feasibility of potential alternatives) to reduce the Project's potential impacts on the environment, the EIR must identify:

  - The analysis used to conclude that forecasted overloads will occur on a the local area grid, the type of overloads projected (N-1/N-2);
  - The analysis used to conclude the Project will enhance reliability and operational flexibility;
  - Existing easement(s) entitling SCE to construct the Project in the manner proposed;
  - Any other uses planned or permitted improvements within the easement(s) effected by the Project. Including factors being considered to "manage the existing ROW in a prudent manner in expectation of possible future needs" and other relevant planning programs which could affect SCE ability to manage the existing ROW in a prudent manner in expectation of possible future needs;
  - The EIR must explain the Project's administrative record including Advice Letter 2272-E and the administrative record up to and including CPUC Decision 11-11-019. In light of the administrative record, the EIR must explain why the Project scope is limited to the remaining undeveloped portion of the Project. Why prior environmental impacts resulting from Project construction were not subject to CEQA (one example being significant impacts to biological resources identified in the PTC Application; Proponent's Environmental Assessment, Section 4.0 Biological Resources (and Appendix F) as well as Streambed Alteration Agreement (SAA) No. 1600-2011-0325-R5, Revision 2 (which includes mitigation for Significant Project Impacts)). Only then will the public and governments have the information necessary to properly asses the potential effects of the Project and make informed comments on the adequacy of the EIR and the alternatives being considered;

- The EIR must explain why the Project is being piecemealed, in light of the administrative record. The EIR must explain why the Project is not an attempt by the Applicant and CPUC to reduce the Project's scope, thereby reducing the Project's impacts on the environmental in an effort to circumvent CEQA;
- The EIR must identify if the use of any area within the Project ROW or easement(s) is not available due to constraints, including but not limited to, SCE's efforts to manage the existing ROW in a prudent manner in expectation of possible future needs.
- The EIR must explain the Project's relationship to the local Area Grid and identify any current or planned changes to the local area grid, including but not limited to, SCE's efforts to manage the existing grid in a prudent manner in expectation of possible future needs; and
- The EIR must identify rules, regulations and other relevant planning programs governing the Project and discuss the Project's compliance/impact with each, including but not limited to consistency with NERC Planning Standards, the Garamendi Principles (SB 2431, Chapter 1457, Statutes of 1988, Garamendi) and SCE 2014 Energy Storage Procurement Plan.

- The EIR must evaluate Alternatives to the Project which will reduce or eliminate one or more of the Project's potentially significant adverse environmental effects. Alternatives should include but not be limited to:

  - The No Project Alternative (mandatory);
  - Alternative technologies capable of meeting all of the Project's goals and objectives which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts;
  - Alternative technologies capable of meeting most of the Project's goals and objectives which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts;
  - Design alternatives capable of meeting all of the Project's goals and objectives which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts;
  - Design alternatives capable of meeting most of the Project's goals and objectives which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts;
  - Conservation measures that can be implemented to avoid the need for the Project or reduce the scale of the Project, thereby reducing potential adverse impacts associated with the Project;
  - Alternatives consistent with SCE's 2014 Energy Storage Procurement Plan which avoid or reduce one or more of the Project's potentially significant adverse environmental impacts; and
  - Alternatives consistent with the Garamendi Principles (SB 2431, Chapter 1457, Statutes of 1988, Garamendi)

- The list of "Cumulative Projects" must be identified.

- Project Design Features must be identified in the Project Description

- The nature of the Project is very technical. The EIR must be written as CEQA intended, in plain English capable of being understood by the average (educated) citizen.

Only when all of the above have been made available to the public will the public and governments have sufficient information to properly asses the potential effects of the Project and make informed comments on the adequacy of the Draft EIR.

CEQA Compliance to be conducted by an Independent Party:

SCE has submitted biased information to the CPUC claiming exemption from CEQA (Advice Letter 2272-E). Following CPUC Decision 11-11-019, SCE submitted the Application with a reduced Project scope in an attempt to piece-meal the Project to circumvent CEQA. The Application denies any possibility that the Project will have an adverse impact on the environmental.

The CPUC is not an independent party. CPUC Commission President Michael Peevey is a former President of SCE. The CPUC sided with SCE in their approval of Advice Letter 2272-E, which was subsequently invalidated. CPUC again sided with SCE by failing to prevent construction of the Project while the Rehearing of Resolution E-4243 was pending. CPUC sided again with SCE when it deemed the PTC Application complete and failed to require the Application to encompass the whole of the Project.

Any future information provided by SCE must be independently verified. All technical reports and the draft EIR must be prepared by an independent 3rd party. Not CPUC staff or an entity under the control of the Applicant or CPUC.

The NOP is biased:

The NOP is based on the Application, which is comprised of material submitted by the Applicant. The Application contains a PEA prepared by SCE which denies there is any possibility that the Project will result in any adverse environmental effect. The fact is the Applicant's PEA and its technical reports identify Project-related adverse environmental impacts. These impacts are minimized and characterized less than significant.

The NOP states "in its PEA, SCE identified a number of alternatives that will be analyzed by the CPUC's EIR team…." How can SCE possibly propose alternatives that will reduce the Project's environmental effects if it denies the existence of any adverse environmental effect?

The Way Forward:

Quit wasting ratepayer money!

The CPUC should apply for the State of California Electric Program Investment Charge (EPIC) grant program offered by the California Energy Commission[13]. Specifically, the CPUC should apply

[13] EPIC website: http://www.energy.ca.gov/research/epic/

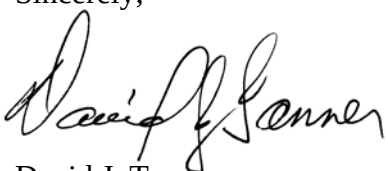
for the grant entitled "Establish Strategies for Enhanced Local Regulatory Assistance and Permit Streamlining That Will Accelerate Deployment of Clean Energy Infrastructure".

This Project has been on-going for years. It has wasted an inordinate amount of ratepayer money. The tactics CPUC and the Applicant have employed to obtain Project permitting have been rejected and will continue to be rejected until improvements in the process are implemented. Perhaps this grant opportunity can provide recommendations to allow improvements in the manner in which SCE and CPUC approach project permitting now and in the future.

The accusations contained herein are not exhaustive; they demonstrate one or more instances where the Application is incomplete, the NOP misleading, and reasons why the CEQA process should be turned over to an independent third party. They are intended to provide a factual basis for the accusations and the need for a through investigation.

Feel free to contact me if you have any questions.

Sincerely,



David J. Tanner
President

From: Beverly <bevg@hvwonline.com>
Sent: Wednesday, April 23, 2014 1:48 PM
To: Moorpark-Newbury
Subject: Moorpark-Newbury 66 kV Transmission Line

Mr. Michael Rosauer:

We attended a meeting last night with some of our fellow neighbors to discuss Southern California Edison's Moorpark-Newbury Project. We are in full support of Southern California Edison maximizing their existing resources already acquired to facilitate their increasing demands.

SCE acquired the easement for this sole purpose and there is no justification for considering relocating the power lines to another location just because there is a group of homeowners that "just doesn't want it". Edison has a legal right to expand their equipment within the existing easement. Alternatively, if Edison pursues an expansion of the poles on Gerry Road, it could not be accomplished within the existing easement so condemnation would be a factor. Additionally, the title reports for each homeowner along Gerry Road clearly states that the power poles are to be wooden poles only which wouldn't be adequate for this expansion.

Finally I just want to conclude that the homeowners who are contesting Edison's Project were fully aware of the existing easement when they purchased their homes so it's unclear why they are protesting now. The property owners along Gerry Road Road would be negatively impacted. It's just not logical for Edison to consider an alternate location for this project. SCE should proceed with it's legal right to expand within their existing easement.

Thank you.

Beverly Gutierrez
HOFFMAN, VANCE & WORTHINGTON, INC.
1000 S. Seaward Avenue
Ventura, CA 93001
bevg@hvwonline.com
(805) 642-0211

From: swaz <richard.schwasnick@verizon.net>
Sent: Wednesday, April 23, 2014 2:04 PM
To: Moorpark-Newbury
Cc: dslelande@yahoo.com
Subject: NOP for A.13-10-021

Dear Mr. Michael Rosauer,

In a recent meeting with other property owners, regarding the NOP for 66 KV sub-transmission line project A.13-10-021, it was discussed that an Edison upgrade may be in consideration on our property at 9079 Santa Rosa Rd.

I have many concerns with this. A few years ago, a metal "upgraded" pole fell in our property causing minimal damage to our avocado trees. I was not ever informed if it was due to a faulty pole or wind that sweeps thru the valley. I do not wish to have more of these poles all along my property line that may fall on our existing house or future structures.

Secondly, Adding larger poles and lines will further devalue our property in several ways. EMF, obscured views, inability to continue farming operations, and limiting future use of the property to start with. Farming requires some aerial work. Adding higher lines may impede this process.

Last but not least, I do not like to see waste. There are poles already in place for this transmission line. They were put in with a previously approved EIR on an existing large right of way. The view is already impaired by much larger towers. I can not see how this will further impair the view. It makes no sense to me to ruin other views down the valley. All this seems to be a waste of money, resources, and other views.

Thank you for your consideration,

Michelle Lelande
McCloskey Ranch Co.
6345 Casitas Pass Rd.
Carpinteria, CA 93013
805-684-0084

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LINDA PARKS
SUPERVISOR, SECOND DISTRICT
(805) 214-2510
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E-mail: Linda.Parks@ventura.org

April 23, 2014

Mr. Michael Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearney Street, Suite 800
San Francisco, CA 94108

Re: CPUC Preparation of an EIR for the Moorpark-Newbury 66kV Subtransmission Line (A.13-10-021)

Dear Mr. Rosauer:

Thank you for the opportunity to comment on the preparation of an Environmental Impact Report for the proposed Moorpark-Newbury66kV subtransmission line. On October 28, 2008, the Ventura County Board of Supervisors issued a letter to the CPUC (enclosed) requesting an environmental review of impacts and an evaluation of alternatives to the proposed subtransmission line. This EIR would be the appropriate document to include such a review.

Impacts to residential neighborhoods and agricultural land should be avoided. These impacts can be avoided by co-locating the proposed lines with the existing power lines or by undergrounding the 66vK lines through the Santa Rosa Valley. Additionally, a needs assessment should be conducted to determine if these additional lines are needed at all. A no project alternative without any impact may indeed be the superior alternative.

Thank you again for the opportunity to comment.

Sincerely,

Linda Parks
Supervisor, 2nd District

Enclosure

Recycled Paper

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BOARD OF SUPERVISORS
COUNTY OF VENTURA
980 Enchanted Way, Suite 203
SIMI VALLEY, CALIFORNIA 93065

October 28, 2008

Pamela Loomis
California Public Utilities Commission
770 "L" Street, Suite 1050
Sacramento, CA 95814

Re: Moorpark-Newbury 66kV Subtransmission Line SCE Advice Letter Number 2272-E Dated October 2, 2008

Dear Ms. Loomis:

The Board of Supervisors of Ventura County requests the California Public Utilities Commission approve an alternative to Southern California Edison's Moorpark-Newbury 66kV Subtransmission line project through the Santa Rosa Valley, a residential community in eastern Ventura County. We support and understand the necessity of these new power lines, however because the proposed project would bring lines closer to Santa Rosa Valley homes, we ask that an alternative location be considered.

We understand that there has been no CEQA review for the project that would look at impacts such as viewshed, public health, noise, seismic, land use, biological with possible impacts to federally listed endangered species, and potential cumulative impacts of successive projects. While the lack of review is of concern, we are hopeful that a serious review of alternatives will be undertaken including:

1) co-locating the lines with the existing 220kV lines that are in the same SCE easement where the 66kV lines are proposed,
2) undergrounding the 66kV lines through Santa Rosa Valley, an approximate ½ mile section,
3) placing the new lines farther from homes instead of closer as proposed.

Recycled Paper

The above alternatives would be in keeping with our County's General Plan, including:

> General Plan Goal 4.5.1:
> *Promote the efficient distribution of public utility facilities and transmission lines to assure that public utilities are adequate to service existing and projected land uses, avoid hazards and are compatible with the natural and human resources*; and
>
> General Plan Policy 4.5.2:
> *1. New gas, electric, cable television and telephone utility transmission lines shall use or parallel existing utility rights-of-way where feasible and avoid scenic areas when not in conflict with the rules and regulations of the California Public Utilities Commission. When such areas cannot be avoided, transmission lines should be designed and located in a manner to minimize their visual impact.*

Thank you for your consideration of this request. Our County stands ready to assist Southern California Edison and the California Public Utilities Commission to revise the Moorpark-Newbury 66kV Subtransmission Line proposal and provide a better project to address the growing energy demands of our region and minimize the impacts to residents.

Sincerely,

Peter C. Foy, Chairman
Ventura County Board of Supervisors

April 23, 2014

Vernon Dransfeldt
11648 Barranca Road
Santa Rosa Valley, CA 93012

Mr. Michael Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
Via email attachment: moorpark-newbury@esassoc.com

Dear Mr. Rosauer,

I own the 99 acre property at 10248 Presilla Road, which has the existing 220kV lines running along my eastern border, and upon which the additional pole in the series of poles for the new 66kV line is installed. The entire length of my eastern property line is shared with the parcels owned by Alan and Peggy Ludington.

It is my understanding the Ludington's and their cohorts are trying to get at least one of the four following results accomplished: 1) get the new line relocated from the East side of the existing 220kV poles to the West side of those poles in the same easement (less than 200' away from where new poles have already been installed), or 2) get the lines buried underground, or 3) get the new 66kV line moved a lot further to the West to a small existing easement along Gerry Road, or, 4) not install the line at all. Please consider the following points in this matter:

1. When the Ludington's purchased their property in the 1980's, the Edison easement and power lines were in place, just as they were in place when I purchased my property in 1997. Adding the new 66kV poles and lines in the existing easement is entirely appropriate, cost effective, and without question the most efficient place to locate the additional lines. And no, I do not like the new line on my property, but I recognize the right of Edison to utilize the existing easement for the transmission of electricity in the most efficient and cost-effective manner, as outlined in the Ventura County Master Plan. It is the most financially and socially responsible way to provide for the greater good of the community.
2. All of us who live along those lines, including the Ludington's, will see the new installation alongside the much larger existing 220kV lines. It is to be expected that at some point additional capacity would have to be added. There are, unfortunately, people who demand that their utility needs be met, but only at others' expense or inconvenience. Every imaginable argument against the new 66kV line has been raised except the obvious one: some don't want it in their back yard, yet are more than willing to try to have it located elsewhere at others' expense.
3. **Moving the line from the East side of the existing 220kV poles to the West side of those poles:** This would directly affect the agricultural properties (such as mine) that have the easement on their property, by reducing plantable acres. The easement and existing poles occupy land that is along property lines, and thus is often "dead space". To move the new 66kV poles from the property line side (east side) of the easement to the farmland side of the easement would impact the productive land area for most property owners along the easement. Furthermore, on my particular property, there is a dramatic drop-off just to the west of the existing towers at the South-East corner of my property, which would make installing footing to erect a new pole in that area dangerous, nearly impossible to access for normal Edison maintenance, and require an enormous amount of grading and disruption to the existing chaparral.
4. **Burying the 66kV lines underground:** My understanding is that running high capacity underground lines for such a distance has only been done in one or two instances in other countries, not in the U.S. The disruption to the existing residents and farm operations along the line would be enormous, and run great risk of damage due to normal farming operations. I do not want to be one of the potential victims of such an experiment! Nor do I think it is reasonable to have other Edison customers pay for such an expensive and unnecessary undertaking.

5. **Get the new 66kV line moved a lot further to the west along the existing small easement along Gerry Road to Moorpark:** This is perhaps the most egregious of the suggestions. Notwithstanding the fact that a considerable amount of disruption would occur at the Moorpark substation to get the lines across the 118 highway in Moorpark, all the property owners along the way would have much of their productive farmland condemned to accommodate the necessary wider easement, and they would also have additional disruption and safety issues to contend with, such as the higher poles that would replace the existing wooden poles which would be a major hazard to aerial helicopter activities. Additionally, the disruption at the south end of that run would apparently be enormously expensive and disruptive to property owners and the natural habitat in that area as well.
6. **Not install the line at all:** I understand that the power disruptions due to inadequate supply are already occurring in Moorpark, and have been or will likely be exacerbated because the project has been stopped. The quickest solution is to complete the original plan of installation in the existing corridor.

SUMMARY: The greatest miracle of this country is that when we flip a light switch, turn on our water faucet, dial our cell phone, or otherwise partake of various utility services, we are rarely disappointed. Unfortunately for the vast majority of the population, some individuals are unwilling to have any inconvenience in regard to the provision of those services. In this particular case, the complainers have absolutely no valid reason to object to the new 66kV installation. The expenses incurred by SCE in stopping the installation process have been enormous, and every one of the Edison customers will end up paying for those costs. The expense of any of the proposed alternatives are nearly incomprehensible, and have been proposed only for selfish personal interests. I trust that common sense and reason will prevail in this matter.

Sincerely,

Vern Dransfeldt

REITER
AFFILIATED COMPANIES

730 South A Street, Oxnard, California 93030
805.385.7145 (d) :: 805.276.8021 (c) :: 805.982.7603 (f) :: joanna.orr@berry.net

April 24, 2014

Sent Via Email [moorpark-newbury@esassoc.com] &
U.S. Mail
Mr. Michael Rosauer
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, California 94108

Re: Moorpark-Newbury Project

Dear Mr. Rosauer

I represent Reiter Affiliated Companies, LLC, and have been asked to write to you on its behalf. It has come to our attention that you are accepting public comments for inclusion in a Scoping Report related to Southern California Edison's ("Edison") application to the California Public Utilities Commission ("PUC") for a permit to construct the remaining portions of the Moorpark-Newbury 66kV Subtransmission Line Project ("Project").

We understand that the Project was previously approved and the majority of the Project had already been constructed prior to the November 2011 notice from the PUC for Edison to halt work. We understand that the Project is located along an existing Edison easement through unincorporated Ventura County, the City of Moorpark and the City of Thousand Oaks. We also understand that certain residents along the easement corridor have raised opposition to the Project.

Although we empathize with the residents who do not wish to have power lines next to their houses, we believe that the Project embodies the most efficient means of achieving Edison's goals of ensuring safe and reliable electric service to its customers. Furthermore, we believe that the residents who are now voicing their objections have been on notice of the Project for many years and gave their consent by purchasing land encumbered by Edison's easement. We support the swift and efficient completion of the Project as originally planned and object to stalling and delays, which needlessly increase the cost of electricity to all consumers.

Sincerely,

Joanna Orr
Director of Legal Affairs

From: hdental.xray@gmail.com on behalf of Dan Halpert <dhalpert@hdxray.com>
Sent: Thursday, April 24, 2014 10:54 AM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Park Project coments
Attachments: SCE_ESA_Community_letter_FINALK.docx

Dear Mr. Rosauer,

I moved to this part of Moorpark with full knowledge and acceptance of the existing power lines and the inherent hazards of living close to them.

We need to find a way to minimize any increase in the exposure to these hazards by any reasonable means utilizing routing and technology advances not available when the original project was conceived. The best route and method is not necessarily the lease expensive one.

I urge you and your committees to look long and hard at a way to minimize the health impacts to our neighborhood residents.

I have attached a letter written by others more familiar with this project than I am as a show of support for our mutual interests.

Regards,

Daniel Halpert
10763 Citrus Drive
Moorpark, CA 93021
6805-529-2645

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.

2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004

data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

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These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Daniel Halpert

_____

Daniel Halpert
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Moorpark CA 93021
805 529 2645
dhalpert@hdxray.com

From: Kris <ladybuggk@aol.com>
Sent: Thursday, April 24, 2014 11:12 AM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Project COMMENTS Pederson
Attachments: SCE_ESA_Community_letter_FINALK.docx

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed. 5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A**. Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

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These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a “safe haven” for us and our families. The information above lends very little to feeling “safe” (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a “haven”. No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Krista Pederson

Krista Pederson
10767 Citrus Dr.
Moorpark CA 93021
805 795 4443
ladybuggk@aol.com

From: Peggylud <peggylud@aol.com>
Sent: Thursday, April 24, 2014 11:14 AM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Project Application for PTC A.13-10-021
Attachments: SCE Ludington NOP Comment 4-23-14.pdf

Mr. Michael Rosauer

Mr. Rosauer,

Please find the attached comments on the NOP for PTC A.13-10-021. *These are address specifically to you* on the issue of expanding the "Project Description" for the EIR to include 100% (rather than 40%) of the Project. I am send a hard copy with the various attachments since they are quiet lengthy. It will go out tomorrow.

Please don't hesitate to call if you have any questions.

All the best,

Peggy Ludington
805-657-0430
10300 E. Presilla Rd.
Santa Rosa Valley, CA 93012

ALAN AND PEGGY LUDINGTON
10300 EAST PRESILLA ROAD
SANTA ROSA VALLEY, CALIFORNIA 93012
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April 23, 2014

Mr. Michael Rosauer
Energy Division
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Comments on Scope of Environmental Impact Report

Dear Mr. Rosauer:

Again, we so appreciate your traveling to our community to see the actual project site and to inform the public of the scope of pending environmental review. We also are grateful for your patience in listening to our concerns and input.

You confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. [See Figure 3.4-1a and Table 3.7-3 of Application for PTC, Attachment "A" and "B" respectively.] Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption (discussed below), the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. [CEQA Guidelines, Section 15168.] Ordering SCE to submit to EIR for only the yet-to-be built portion of its project is like ordering the guy who built most of his house without a permit to pay permit fees only for the tasks that remain.

You may recall that Danalynn Pritz, David Tanner and we filed the April 15, 2010 Application For Rehearing of Resolution E-4243, appealing the original approval of this Project. [We incorporate their concurrent written comments to you and ESA herein by this reference.] Now, we are also parties to the pending matter, Application For Permit to Construct, Case No. A.13-10-021.

The County and the community have consistently urged the CPUC to order an EIR on this previously unexamined right of way (ROW), from lodging original objections to the Project in October 2008 to filing the Application For Rehearing in April 2010. At every turn, all of the environmental issues that will now be explored were raised and dismissed out of hand by the Energy Division. How did the Energy Division grant Exemption G to the Project in E-4243, over our numerous environmental challenges, while the Administrative Law Judge in A. 13-10-021

found the issue compelling enough to order complete environmental examination for remaining 40%? Something went horribly wrong between 10/3/08 and 3/25/14.

You stated you would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project as originally noticed in the 2008 Advice Letter. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here.

You indicated several times that this Project and EIR present an "unusual situation." At very minimum, this Project is akin to a "Multiple or Phased Project" (CEQA Guidelines, Section 15165) or a "Program EIR" (CEQA Guidelines, Section 15168).

Section 15165 provides:

> Where individual projects are, or a phased project is, to be undertaken and *where the total undertaking comprises a project with significant environmental effect*, the Lead Agency *shall prepare a single program EIR for the ultimate project as described in Section 15168*. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project.

Section 15168 provides for a single EIR when there is *a series of actions that can be characterized as one large project* that are related either by geography, being logical parts in the chain of contemplated actions, or individual activities under the same regulatory authority and having generally similar environmental effects. The Project meets all three of these criteria. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

This is further underscored by CEQA's constant emphasis on the "cumulative impact" of *past, present and probable future projects*. [CEQA Guidelines, Sections 15130 and 15355.] If a project's impact is individually limited but "cumulatively considerable," the impact is significant. "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects. [Section 21083 (b).] Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time. [Section 15355.] Thus, even if the 60% completed construction is considered a "past project," its cumulative impact must be addressed.

Presently, ESA has been retained to look at only 40% of the project and perhaps even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

In its Application For PTC, SCE describes "the Project" as 100% of the 9-mile 66 kV line. (Pages 1-2) Therein, there is no question SCE considers this a single project, as it goes on to describe: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." [Application for PTC, Page 2.] So if SCE included the entire 66 kV line in "The Project," why would the Energy Division limit environmental review to the yet-to-be-built phases in the EIR "Project Description?" It defies both logic and the facts.

"There is no dispute that CEQA forbids 'piecemeal' review of the significant environmental impacts of a project. This rule derives, in part from section 21002.1, subdivision (d), which requires the lead agency . . . to 'consider[] the effects, both individual and collective, of all activities involved in [the] project.'" *Berkeley Kepp Jets Over the Bay Committee v. Board of Port Commissioners*, 11 Cal. Rptr. 2d 598, 608.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the proposed Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again. We believe that the chronology of events and the evidence of SCE's manipulation of facts and data (below) further support this conclusion.

As an aside, it became apparent at the Scoping Meeting that the Commission has been misled and misinformed by SCE's tactics, just as the community has for the past 5-½ years. What previously had looked like biased rubber-stamping of SCE's wishlist by the Energy Division was simply the product of this erroneous information. That SCE gave notice of construction in Fall 2010 *without advising the Energy Division of our pending 4/14/10 Application for Rehearing* is another example of SCE's manipulation of the truth to serve its goals. Further, somehow SCE left the Energy Division with the *false impression* that our Petition for Rehearing was not filed until *after construction was underway*. No wonder the Commission ordered an EIR only for yet-to-be-built construction!

If, on the other hand, the uninterrupted series of patently pro-SCE decisions was driven by any bias, let this letter serve as: (1) our objection to either the CPUC or its Energy Division acting as Lead Agency and (2) our demand that the Commission recuse itself, especially the

Energy Division, from acting in that capacity and order that an independent third party be appointed to act a Lead Agency.

I. CHRONOLOGICAL OVERVIEW OF ORDER GRANTING REHEARING:

March 15, 2010	***Resolution E-4243, Exemption G***
April 15, 2010	***Petition For Rehearing***
October 2010	***SCE's Notice to Energy Division Re Intent To Construct***
July 20, 2011	***Letter to Governor Brown Re Delay of Rehearing Ruling***
August 3, 2011	***Temporary Restraining Order Against Farmers***
August 8, 2011	***Visible construction commenced, often 6-7 days/week***
November 10, 2011	***Order Granting Rehearing with "Cease and Desist"***
October 28, 2013	***SCE's Application for PTC***

After Resolution E-4243 issued on 3/15/10, Danalynn Pritz, CEQA Expert David Tanner and we timely filed an Application for Rehearing on 4/15/10. We began to wait. We had no idea SCE had formally notified the Energy Division of its intent to construct in Fall 2010. However, we had started calling and emailing the Commission to determine the status of our Application.

In December 2010, SCE began contacting landowners, demanding they clear "encroachments" in the ROW that had been allowed to revert to its agricultural and native chaparral nature for decades following the 1971-72 construction of the 220 kV lines. We own a 20-acre lemon farm in the Project's path. Several of us farmers along the ROW asked SCE on what authority it based its demand we clear 100 radial feet around each tower footing and the Project's construction site. [Nothing in the 1970 condemnation order mentioned any clearance zone for vegetation except for trees that might interfere with conductors and wires.] Meetings were held; letters were exchanged.

In July 2011, we had grown so confused by the unexplained 15-month delay on our Application for Rehearing that we wrote Governor Brown requesting his assistance on July 22.

Around the same time in late July 2011, while farmers were awaiting SCE's land clearance authority confirmation, SCE filed a lawsuit against them, alleging interference with its ROW. Just days later, on 8/3/11, SCE managed to convince a judge it was *urgent* construction begin by 8/8/11 or risk overload on the line by June 2012.

By 8/8/11, SCE had cleared 72 full production lemon trees from our farm and another approximately 125 such trees from neighboring farms. Thereafter, construction activities were obvious along the ROW. It was also obvious SCE crews were working at breakneck speed, sometimes 6 and 7 days a week. *We watched trees fall, land cleared and nearly all poles erected in the 93 days between 8/8/11 and 11/10/11* (Order Granting Rehearing) – that is when all environmental disturbance to date occurred.

Finally, the CPUC issued its Order Granting Rehearing on 11/10/11 under Case Number A-10-04-020. This felt like a hollow victory. Between August 8 and November 10, SCE had erected 23 poles, poured 7 more footings, and drilled the last 3 footings, not to mention clearing 14.5 acres of native brush, heritage trees and farmland to construct staging yards, construction laydown areas, helicopter landing zones, and access roads. [See SCE's PEA, beginning at Table 3.7-1a, and specifically Table 3.7-4a, Attachment "C".] Mission accomplished. Now, SCE could take a second bite at the same apple.

Two years later, on 10/28/13, SCE filed its Application For PTC, portraying its "new" Project as merely "utilizing existing facilities constructed to date . . . *to minimize environmental impacts*." [How disingenuous! Had this truly been SCE's noble goal, it would have co-located the Project with the existing 66 kV Moorpark-Newbury-Pharmacy (M-N-P) line in the first place. We know from SCE's General Rates Case 2015, page 61 (Attachment "D"), that such requires only retrofitting with higher rated conductors; no new poles, no new footings, no additional lines.] We protested. Here we are.

II. THE BACKSTORY– A 10-04-020:

This Project has a 5-1/2 year history and a very thick file under Case No. A. 10-04-020. [In our formal protest, we have asked the CPUC to take official notice of all the filings in that case and we request you do the same. Toward that end, we are submitting to you the correspondence and pleadings we filed as Attachment "E".] That case and this one are inextricably intertwined. They both describe the identical project. This one seeks to have the CPUC overlook all environmental damage done during the previous construction *commenced under the authority of now-vacated Resolution E-4243*! The following is a summary of events leading up to defunct Resolution E-4243:

A. Public Protest

By Advice Letter dated 10/2/08, SCE gave the public its first notice of the Project. Therein is specified it would be *seeking exemption from any environmental review under Exemption G.*

County of Ventura Board of Supervisors, the Cities of Moorpark and Thousand Oaks, the Santa Rosa Valley Municipal Advisory Council, and hundreds of community members, protested according to the prescribed rules, raising procedural *and environmental* issues, and urging alternatives. [See County of Ventura BOS, dated 10/20/08 and 10/28/08, Santa Rosa Valley MAC, dated 10/17/08, Ludington, dated 10/8/08; Pritz & Associates, dated 10/21/08, included in Attachment "E".]

The Commission decided to delay approval to allow it to consider the protests. On October 28, 2008, *you* signed the attached Suspension of Advice Letter in your capacity as

Regulatory Analyst. [Many correspondence from the first case were either addressed or copied to you.]

That same evening, the Ventura County Board of Supervisors held a meeting to discuss the Project. Legal and lay representatives of SCE were present. Dozens of residents attended, many spoke. The public questioned:

1. The **necessity** of the Project,
2. The **appropriateness of EIR exemption** for a right of way that never had undergone environmental review, one which SCE had allowed for four decades to revert to it original agricultural/open space character,
3. Whether **co-location with the existing M-N-P 66 kV line** 1,800 to the west (with which the Project *is co-located* in "Section 4") was a more reasonable alternative from an environmental and public safety standpoint, given the hazards of brushfire, the Simi-Santa Rosa Fault, cumulative EMF, the particularly sensitive habitat of known protected species, and the number of protected Heritage Trees that existed within the 220 kV Moorpark-Ormond Beach ROW.

At the meeting, the Board of Supervisors admonished SCE for having "dropped the ball on this one" by failing to engage in any meaningful communication with the supervisors and the community on such a significant project. [*Ventura County Star*, Section B, page 2, 10/29/08, Attachment "F".] It urged SCE to engage in such communication. SCE did not.

SCE responded to our protests with its 14-page letter of 10/31/08 (discussed below).

We replied again addressing the issues of "need," alternatives and environmental review.

B. <u>Resolution E-4225</u>

Executive Resolution No. E-4225 issued 2/24/09, dismissing protests and allowing construction to proceed under Exemption G. The Energy Division had accepted *every* representation SCE made about "need," the environment and the lack of alternatives.

Community members timely filed formal appeals.

C. <u>Resolution E-4243 – The First Time</u>

By letter dated 5/5/09, the Energy Division issued Draft Resolution E-4243 affirming Resolution E-4225 and Exemption G, thereby *adopting without exception* SCE's position on every issue. The matter was set for the 6/4/09 CPUC agenda.

Timely objections were filed.

By letter dated 5/18/09, the Energy Division *amended the agenda date to 6/18/09*.

On 6/4/09, the Energy Division issued Resolution E-4243, *disregarding the amended notice* of 5/18/09. The community felt duped.

By letter dated 6/5/09, the Ventura County Board of Supervisors requested the matter be set for public hearing in Ventura County.

The request was granted by notice dated 8/3/09, which strictly limited the hearing to the land use issues between the County and SCE. It specifically admonished that it was not the proper forum to address the finding that this project was exempt from CEQA. Would protestors have an opportunity to speak? [We filed objections to the restricted scope of public comment with the CPUC. Once again, however, those objections were overruled and the environmental issues were not addressed.]

The 8/3/09 notice of public hearing also ordered an informal meeting between the County and SCE. This took place. Supervisor Parks requested that certain members of the community be allowed to attend. SCE refused. Thus, she elicited from those community members an outline of the public's concerns in preparation for the meeting. The meeting proved futile because of the stonewalling by SCE representatives.

Just days before the public hearing, on 9/16/09, SCE advised the Board of Supervisors that the proposed co-locating *on the west side of the tower* within the 220 kV easement, farther from homes, was not an option due to *future plans for a third 220 kV line*.

The Public Hearing was conducted on 9/18/09 by Administrative Law Judge, Darwin Farrar. Counsel for the Energy Division, Jack Mulligan, was also in attendance. More than 100 stakeholders attended. Despite being unprepared due to the CPUC's strict admonitions, several dozen protestors spoke, including CEQA experts Richard Jemison and David Tanner. A very long transcript resulted.

D. <u>Resolution E-4243 – The Second Time</u>

On 11/14/09, Protestors learned the Project was again set on the CPUC agenda for 11/20/09, *despite that we had received no notice*. Objections were immediately filed with all CPUC commissioners. Supervisor Linda Parks spoke with CPUC Chair, Michael Peevey's aide requesting more time to work out a better solution. The Resolution was pulled from the 11/20/09 agenda.

There ensued two meetings between SCE, the County and stakeholders. At the 1/15/10 meeting, SCE was asked to consider alternatives: undergrounding, co-location with the proposed Presidential Substation, co-location with the existing M-N-P 66 kV lines, or locating the lines on the west side of the Moorpark-Ormond Beach ROW (farther from homes). SCE agreed to think

about the options. During the 2/19/10 meeting, SCE agreed to provide requested documentation and information on several issues. In a follow-up conversation with Carol Brown of the CPUC, Supervisor Parks was assured the matter would not be voted on until the parties advised they had reached impasse.

Then, to everyone's surprise, Resolution E-4243 was approved and mailed to stakeholders on 3/15/10. In an end-around move, while placating the County and stakeholders with assurances of forthcoming documentation, SCE secretly pressed the CPUC for its resolution. The Application For Rehearing was thereafter timely filed.

III. SCE's MANIPULATIONS OF FACTS AND DATA:

Throughout this process, SCE has been engaged in egregious distortion of the factual underpinnings for and about this Project. As part of this calculated scheme, SCE has created the following manipulations and false impressions:

A. SCE sought to slip under CEQA's radar by pursuing Exemption G.
B. SCE fabricated "need" with fuzzy math.
C. SCE consistently denied co-location with the existing M-N-P line was the simplest, least costly, and the environmentally superior alternative.
D. SCE obtained the 3/15/10 Project approval without notice.
E. SCE misled the Energy Division to endorse commencement of construction and into believing construction began *before* the Rehearing Application.
F. SCE portrayed active construction started in 2010.

A. SCE Sought To Slip Under CEQA Radar:

SCE has consistently omitted or misrepresented information to gain CEQA exemption. Although stakeholders have been asking for environmental review since 2008, our concerns have never been addressed.

1. Known Environmental Impact

In its quest for Exemption G, SCE failed to disclose number of potential significant environmental impacts. For example, it knew there existed a strong possibility of "prehistoric and historical remains" in Project's path. In the planning phases, SCE wrote its 12/12/07 letter to authorities to investigate the existence of cultural resources. Therein, it described its perception of an "increase in depositional sensitivity for both prehistoric and historical remains on the [Santa Rosa] valley floor." Owl Clan Consultants responded on 12/27/07, expressing its "concern for our Chumash Cultural sites . . . up to a 5 mile radius around the proposed project." [See SCE's Responses to Data Request Set, 2/3/14, letters attached as Attachment "G".]

These letters demonstrate SCE's pre-project awareness of this sensitive resource. Other examples surely exist. The entire 7.5 miles of the Project's Sections 2 and 3 cross sensitive, long-undisturbed open space and farmland. In flagrant disregard, SCE drew up its plans in the manner most likely to garner exemption from any environmental review in a ROW that had never undergone environmental review.

2. "Maintenance" Activities In An Existing ROW

The 10/02/08 Advice Letter couched the Project in such terms as to lead the CPUC to believe the almost 9-mile path – which crossed four streambed resources, two thousand-foot ridgelines, the Simi-Santa Rosa Fault, sensitive habitat for endangered species, a Very High Fire Hazard Zone, and three different jurisdictions – was just a maintenance or "ministerial" activity in an existing ROW and, thus, entitled to Exemption G.

A quick case review discloses that Exemption G was created to avoid the need for further environmental review of existing ROWs that are presumed already so disturbed by construction, roads and other public uses as to render review worthless. [71 CPUC 2d 339, 23-35; Decision No. 97-03-058.] Not the case here.

SCE also sought Exemption G with full knowledge of the relatively undisturbed nature of the Moorpark-Ormond Beach ROW. For nearly 40 years following the initial 220 kV construction, the ROW had been allowed to "go fallow," reverting to its origins as agricultural land and protected open space nature, with much visual vegetative mitigation restored. Omitting this extremely important information was essential to SCE's gaining exemption.

B. <u>Distortion of "Need" Data</u>

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, protestors have questioned SCE's assessment of "need."

In SCE's 10/31/08 letter to Honesto Gatchalian of the Energy Division, it responded to protestors questioning the need for the project. [Attachment "E".] At page 12, it wrote: "The Project is not needed to address future possible overload conditions. Rather, the Project is *needed to address current possible overload* conditions during period of peak customer demand."

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start the process? *SCE's skewed projections of need have never been substantiated by actual demand*

Let's take a look at what really happened. *Since the Project's inception, SCE has projected* ***at least four entirely different dates*** *by which the Project was* ***essential to avoid overload*** *(and more recently "drop in voltage*):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project, "C")
"Late 2010	(Source: Advice Letter 10/8/10, "C"}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, SCE is guilty of some pretty fuzzy math. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 [Attachment "C"] documents SCE's *historical projection* of need for 2005-2013. The *projected* load exceeds line capacity (920 Amps) *for the entire period*, reaching 967 Amps in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937 Amp**.

Comparatively, PEA Table 2.1-2 [Attachment "C"] documents SCE's *current projections* for 2013-2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be **2021**, when it will reach **937 Amp** (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

In reality, *actual peak demand* has dropped from its high point in 2008 and *has not gone up*. SCE's forecast models always seem to anticipate growth. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Amgen – SCE's biggest area consumer – has cut 1,150 jobs (16.4% of its workforce) since 2007. [Pacific Coast Business Times, www.pacbiztimes.com/**2014**/03/06/**amgen**-to-**cut**-252-**jobs**/, 3/6/14, Attachment "H".]

Yet SCE consistently uses its data to tell a different and highly questionable story. SCE does not plan to resume construction of the Project until late 2016. Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248. The future efficacy of the entire 220 kV transmission corridor is in question.

C. The Alternatives

The County and stakeholders have attempted, at every juncture, to get SCE to consider alternatives. SCE has refused, baldly asserting no alternative exists that would satisfy its goals.

From the start, protestors pointed to the existing 66 kV Moorpark-Newbury-Pharmacy line – serving the same 17,000+ customers – as the most reasonable location for this line's "enhancement." This would place the lines approximately 1,800 feet to the west of our communities. [Aerial views and photos, Attachment "I".] SCE batted down this opting due to: "cost, lack of right-of-way and reduced reliability." [SCE's 10/31/08 letter, "E".] It also portrayed this alternative as requiring a wider ROW for an additional pole line. We now know

such enhancement involves only the *upgrading of existing conductors* "with higher capacity 954 SAC conductors" and *no significant disruption of the environment*. [SCE's 2015 General Rates Case, Attachment "D", page 61, lines 1-4.] Yet another yarn spun by SCE.

With regard to cost, we also can extrapolate from SCE's 2015 General Rates Case (page 61, lines 4-7), that this co-location would have cost approximately $14.064 million. This compares to the Project which, all tolled, costs $23.058 million – a difference of nearly $9 million.

Why would SCE opt to spend *$9 million more* back in 2008? Perhaps because SCE gets a significant rate of return for 20 years in the form of rate increases on any capital expenditures for infrastructure – not a bad business move in a market of static or declining demand. In its GRC 2015, SCE appears noble choosing the $23.058 million Project over the cumulatively "more expensive" co-location alternative, since it believes the cost for construction already completed should be included in this alternative.

D. Project Approval With No Notice

Without notice to stakeholders, the CPUC approved the Resolution on 3/15/10. Carol Brown of the CPUC had just advised Supervisor Parks a week earlier that a decision on the Resolution would be held indefinitely unless the CPUC were advised that settlement discussions had broken down. SCE positively hoodwinked the County and the public by restoring the Draft Resolution E-4243 to the CPUC's 3/11/10 agenda, while stakeholders naively believed they were still engaged in the mutual process of finding a more suitable alternative.

E. Concealment Of Project Status To Gain Construction Approval

Unbeknownst to stakeholders, SCE apparently notified the Energy Division in Fall 2010 that it wished to commence construction pursuant to Resolution E-4243. The entire authority for the "2010-2011" construction was Resolution-4243 – a resolution obtained under *false pretenses* and ultimately overturned by 11/10/11 Order Granting Rehearing.

Apparently, SCE also failed to disclose the Project was currently "under review" via our Application For Rehearing. Had SCE made this disclosure, the CPUC would have had an opportunity to issue a stay order. But, because the Energy Division apparently did not know about the Application For Rehearing, it had no opportunity to consult the ALJ on this issue.

We have to assume this concealment by SCE was also responsible for the Energy Division's misconceptions that (1) the Resolution was in full force and effect at this point, and (2) the Application For PTC came only after construction was underway.

F. No Visible Construction Before August 2011

When did construction begin? SCE asserts 2010. We cannot say what took place within the substations or what happened in the rugged terrain at the terminal end of the ROW where it co-locates with the existing Moorpark-Newbury-Pharmacy ROW.

However, a Google Earth tour is instructive. Comparing the April 2011 images with the current images of the tower footings sites of the Project (Sections 2 - 5) allows one to examine the various construction sites in the ROW. As of the April 2011 images, there had been no disturbance of the environment. Comparatively, the current photos reveal the extent of environmental disruption.

Additionally, Peggy Ludington personally can attest that visible construction and "encroachment clearing" did not begin until early August. In 2010-11, her almost daily route allowed her full view of the ROW, from outside the Gabbert Road substation all the way to where the Project co-locates with the existing 66 kV line, Section 3.

The extent of the environmental disruption that has already occurred is illustrated in Table 3.7-4a of SCE's PEA. [Attachment "A".] That Table reveals SCE has already committed significant land disturbance in its previous construction efforts – 14.46 acres to be precise, 14.46 acres of native brush, flourishing orchards/farm land and decades old vegetative mitigation. [The yet-to-be-disturbed land is only 1.61 acres (Table 3.7-4b). Tables 3.4-1a and 1b graphically illustrate how construction to date has gobbled up virgin countryside. See also aerials, Attachment "I".]

Thus, this environmental disturbance occurred between 8/8/10 and 11/10/10, following our letter to Governor Brown. Ninety-three days of visible construction caused all of the damage to date.

We believe SCE's portrayal of construction as occurring between October 2010 and 11/10/11 is calculated to avoid possible penalties and to create an impression favorable to its financial goals, much like its allowing the Energy Division to assume Resolution E-4243 was uncontroverted.

IV. "WHOLE PROJECT" INCLUDES SCE's MASTER PLAN:

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

We submit that, at a very minimum, SCE should be required to disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built in the backlot of the Moorpark Substation. It should also include the planned 220 kV line on the west side of the ROW that SCE disclosed to Supervisor Parks. [*Laurel Heights Improvement Association v. Regents of University of California,* 47 Cal. 3d 376, 396]

What if this Project is simply justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard facts one should know when examining what this Project takes from the sensitive environment of Ventura County.

V. **CONCLUSION:**

It is hard to question the motives of a public utility. Each provides such an essential "commodity." And we are very grateful for SCE's reliability in distributing electrical service to our community.

However, SCE's distortions and omissions of relevant facts and data have plagued the entire 5-1/2 years of the community's protest. Now, it has couched its Application For PTC as a "new" project, presenting it in such fashion to assure that, if the dreaded environmental review were ordered, it would be a truncated one involving only its post-disruption status.

The community believes both it and the CPUC were manipulated by SCE. SCE mischaracterized the nature, extent and impact of its project to secure Exemption G. It continues to fabricate "need" in an area where additional need is doubtful within the ten-year planning period. It summarily dismissed the least expensive, more environmentally friendly alternative for reasons we now know to be false. It duped the County Board of Supervisors and the community into inaction while it secured project approval without notice. It misled the Energy Division into believing Resolution E-4243 was uncontroverted and valid authority upon which to begin construction. It portrayed construction as 13-14 months long to conceal the fact that it did all the damage to the environment in the short span of 93 days. And it created the Energy Division's false belief that no one "appealed" Resolution E-4243 until construction was well under way. All of these acts and omissions were at great cost to the environment, the community, the County, and public's confidence in the CPUC as a public watchdog.

We urge that the "Project Description" for the EIR be expanded to include the whole Moorpark-Newbury 66 kV Subtransmision Project. We also urge that the CPUC require SCE to disclose its "master plan" for this region (including the additional 220 kV line planned for the west side of the same ROW and the newly disclosed gas-powered generation plant planned for the backlot of the Moorpark Substation) and that the cumulative impact of all past, present and

probable future projects be disclosed and examined under the EIR for the Moorpark-Newbury Project.

Thank you for your kind attention to this matter.

Sincerely,

/S/ (Alan Ludington)
ALAN LUDINGTON

/S/ *(Peggy Ludington)*
PEGGY LUDINGTON

From: Peggylud <peggylud@aol.com>
Sent: Thursday, April 24, 2014 5:09 PM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Project Application for PTC A.13-10-021 - ESA Letter
Attachments: SCE Ludington NOP Comment ESA 4-23-14 final.pdf

Mr. Michael Rosauer

Mr. Rosauer,

Please find the attached comments on the NOP for PTC A.13-10-021.

This is our general scoping topic letter for ESA's EIR. I am sending its hard copy with the various attachments since they are quite lengthy by FedEx. It will go out tomorrow morning and I believe arrive thereTuesday.

Note: This document will arrive in the same parcel as hard copy of the "Project Description" expansion letter for you to present to the Legal Division as you planned. I have added captions (next to the addressee) so they can be easily separated and forwarded to their respective destinations.

Please don't hesitate to call if you have any questions.

All the best,

Peggy Ludington
805-657-0430
10300 E. Presilla Rd.
Santa Rosa Valley, CA 93012

ALAN AND PEGGY LUDINGTON
10300 EAST PRESILLA ROAD
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April 23, 2014

Mr. Michael Rosauer
Mr. Mike Manka
Mr. Matthew Fagundes
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

FOR SUBMISSION TO
ESA RE: SCOPE OF EIR

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Messrs. Rosauer, Manka and Fagundes:

On behalf of the communities of Santa Rosa Valley and Moorpark's Home Acres, we would like to sincerely thank you all for making the trip our way to visit the actual project site and to inform the public of the scope of pending environmental review. We are grateful for your patience in listening to our concerns and input.

Just by way of background, Danalynn Pritz, David Tanner and we filed the April 15, 2010 Application For Rehearing of Resolution E-4243, appealing the original approval of this Project. Now, we are also a party to the pending matter, Application For Permit to Construct, Case No. A.13-10-021.

We wrote an extensive letter to Mr. Rosauer specifically addressing the issue of the "Project Description" for this EIR with legal citations for him to address the Legal Division. We have attached a copy so that we do not belabor the same points here. With it are Attachments "A" – "I", which we reference herein. To briefly summarize:

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

CEQA mandates analysis of the cumulative impact of "whole project." [Sections 15130 and 15355.] Therefore, 100% of all construction from 2010 forward must be evaluated, not just the yet-to-be built portion. Only SCE would benefit from such a curbed examination.

The authority upon which SCE based its Fall 2010 notice of construction was the 3/15/10 Resolution E-4243. We immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

Moreover, the community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.
(2) It failed to disclose a number of known potentially significant environmental Impacts (like the strong possibility of "prehistoric and historical remains"). [See e.g., Responses to Data Request Set 2/3/14, letters attached as Attachment "G".]
(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand. [See PEA, Tables 2.1-1 & 2.1-2, Attachment "C".]
(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders.

Thus, SCE's misrepresentations and omissions were the foundation upon which approval of Resolution-4243 was built.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing. At very least, this Project is akin to a "Multiple or Phased Project" (CEQA Guidelines, Section 15165) or a "Program EIR" (CEQA Guidelines, Section 15168), which require a single EIR *when a series of actions can be characterized as one large project.*

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs,

including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned third 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line. [See attached SCE aerial image of both this line and the Project, Attachment "I".] It has always been the community's top alternative. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, (Attachment "D") which describes it as merely *replacing conductors* with higher rated 954 AC conductors – *no new poles, no additional lines*.] It is less expensive than the current Project. [See SCE's GRC 2015, page 61 – by inference, if one deducts the cost of the 60% to-date construction.]

Such co-location makes even more sense with the likely closures of the Ormond Beach and Mandalay power plants that energize the 220 kV lines in the ROW. [See Assembly Bill 248.] The entire efficacy of the 220 kV lines is now in question.

Originally, the Project's engineer acknowledged this co-location as a viable alternative. However, SCE quickly covered the stumble, alleging cost, lack of land rights and reduced reliability made it non-viable—which we now know not to be true.

Now, in its recent GRC 2015, SCE portrays it as *only* alternative, but asserts it is now *more expensive* than the current project *due to the added costs of the 2010-2011 construction.*

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The ROW's 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020. [Vivint Solar, http://www.energy.ca.gov/33by2020/documents/.] This is why it has allowed solar companies to use its grid. The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine available energy saving programs like:

1. Demand response programs (examples – Smart Connect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant, planned by SCE to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.

3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmentally Superior Alternative

At the scoping meeting, you indicated your instructions are to evaluate **two "no project" alternatives**. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that it might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice. We feel the facts support ESA reaching this same conclusion.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need."

In SCE's 10/31/08 letter to Honesto Gatchalian of the Energy Division, it responds to protestors questioning the need for the project. At page 12, it wrote: "The Project is not needed to address future possible overload conditions, Rather, the Project is *needed to address current possible overload* conditions during period of peak customer demand." If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start the process? *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See e.g. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this

month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14, Attachment "H".] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given us **at least four different forecast dates** by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project, "C")
"Late 2010	(Source: Advice Letter 10/8/10, "E"}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (Attachment "C") documents SCE's *historical projection* of need for 2005-2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013-2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and *has not gone up*. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248. The future efficacy of the entire 220 kV transmission corridor is in question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of a 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [See Attachment "I" – The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footings built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. [See aerials and photos, Attachment "I".] The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a*

disproportionate share of harmful environmental consequences. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of Moorpark's Gabbert Road Substation, the Project it hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built. [The south side of this ridge can be seen in the photo of "Northwest Elevation from Yucca Drive, Attachment "I".]

The Issues: Downed power lines ignited at least four of the state's most catastrophic fires in the relatively recent past. [*Los Angeles Times*, Section A, 10/18/08.] In 2007 and 2008 alone, downed lines caused five catastrophic fires. [EARSI's letter to CPUC, dated 3/25/10, Attachment "E".]

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

Additionally, two sets of 220 kV towers and plus two new pole sites are located on the 20+ acre avocado orchard at 10275 Presilla Road. When the current residents took ownership in December 2008, they stopped watering the grove. The entire grove of 30-40 year old trees has died, standing in place. It is a huge fire hazard – one that the Moorpark-Ormond Beach 220 kV ROW looms over.

Finally, if approved, the new pole adjacent to our hilltop and approximately 40' from our property line ***will create a brush-clearing requirement on the virgin hilltop of our property***. [Attachment "I", "Northwest Elevation from Yucca Drive" – our hilltop can be seen where the two towers cross the ridgeline, we live at the base of that hill on its north side.] The last thing that disturbed this hillside of ancient chaparral was the 1983 fire that

swept through Santa Rosa Valley. The destruction of this native brush, along with the onus it imposes on our property also should be considered in the EIR.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, and collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a new pole were to topple into the 220 kV lines, or onto residential properties, or onto the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), we were among the local residents who watched the 220 kV lines arc, sending cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project (that brings lines within 40 feet of residential properties).

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. Therein, the CPUC acknowledged the potential harmful effects of EMF. However, as noted by the ALJ in 55 CPUC 2nd 87, this precautionary standard was only intended as an "interim measure" since the CPUC was studying EMF at the time and preparing to issue more specific guidelines. In the intervening 20 years, the CPUC has not promulgated any further guidelines, but this does not diminish its acknowledgement of the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented – a significant issue warranting study in this EIR. The compound impact of even more lines,

closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants. [See the verdant hillside depicted in Attachment "I", "Project's Path Through Protected Habitat."]

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area, page 13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination.

SCE scoffed at this potential impact, saying its focus study failed to reveal the presence any of the protected species. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. [See PEA Tables 3.7-3, 4a and 4b] Future efforts will only compound this disruption. It is essential the EIR address the negative impact of (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources: an unnamed north-south flowing drainage stream located north of Los Angeles Avenue, Arroyo Simi, Arroyo Santa Rosa, and an unnamed tributary to Conejo Creek. No jurisdictional delineations have been included in the project description or noted in the Advice Letter or Application For PTC. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continued to voice concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. Historically, our property's hilltop was the apex of three original ranchos and the lookout point for this village. From it, villagers could see everything from the valley floor to the ocean. [Artifacts have been found even on our property. Yet, one of the TSP footings it approximaterly40' from this site.]

That the Santa Rosa Valley was an area rich in Chumash historical and cultural resources was known by SCE when it sought CEQA exemption for this project. In its Response to the Data Request Set, 2/3/14, SCE provided a copy of its 12/1/07 letter to the local Chumash authorities investigating those resources. It specified that the proposed project had a "perceived increase in depositional sensitivity for both prehistoric and historical remains on the [Santa Rosa] valley floor." [Attachment "G".] Owl Clan Consultants responded on12/27/07, expressing "concern for our Chumash Cultural sites . . . up to a 5 mile radius around the proposed project." [*Id.*] No further information is given.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. [See aerials, Attachment "I".] For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light just east of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes. [See photos, Attachment "I".]

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterate the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

Nothing in the 1970 condemnation order prohibited vegetation being planted near pole footings. The only vegetation clearance requirement provided that vegetation must be kept in a manner *so as not to interfere with aerial conductors.* California Public Utilities Commission's General Order 95, Rule 35 controls the requirements of vegetation management and clearance for power lines, in this case, less than 4 feet clearance is required. With regard to the existing 220 kV facilities, all of these trees were far outside the clearance required by Rule 35.

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. Initially, SCE required 100' radial clearance around each of the pole footings, including the proposed new pole footing. Ultimately, with the advice of counsel, it reduced this clear-cut area to 50' radial feet around footings. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days – chainsaws, chippers, root grinders. Not much later, a crew arrived to cut

down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Greenhouse Gas emissions/Air Quality

Emissions from construction as well as the long-term maintenance activities should be examined

I. Traffic

The report should examine both construction and maintenance traffic across private farm roads, through protected habitat and quiet residential communities. There is *no public access* to any tower footings or the ROW in general.

J. Noise

Any resident living within 1,000 feet, maybe more, can hear the lines. They hum, they crackle with any cloud/fog moisture (usually night and very early morning), they whistle in the east winds. Adding more lines closer to home will only increase their noise pollution.

IV. CONCLUSION

Again, we are most grateful for this environmental review. We have been a pleading for one since the first notice of the project in 2008. At every turn, we have reiterated with specificity the environmental issues now before you. So much damage has been done to native brush, majestic trees and mature orchard – some can only be undone with the help of 75 years' growing time. That's what makes this a bit disheartening. It should have been done in 2008-09. This Project was never suitable for Exemption G.

But, we are where we are. We so hope your evaluation will reach the same conclusions we have: This Project should never have been built. What has been built should be deconstructed to allow the environment to heal. SCE should be responsible for the restoration of farmland, trees and vegetation it destroyed in its race to build as much of the Project as possible "under Exemption G" before the looming Order pulled the plug on it.

We sincerely appreciate the time and effort you all will be investing in this EIR.

Sincerely,

/S/ (Alan Ludington)
ALAN LUDINGTON

/S/ (Peggy Ludington)
PEGGY LUDINGTON

From:	Peggylud
To:	Moorpark-Newbury; mmanka@essassoc.com; mfegundes@essassoc.com
Cc:	dl.pritz@verizon.net; dave@earsi.com; ladybuggk@aol.com
Subject:	Moorpark-Newbury Project Application for PTC A.13-10-021
Date:	Monday, June 02, 2014 7:10:41 AM
Attachments:	SCE_ESA_supp_comment_6-1-14.docx SCE_SCE_ESA_supp_comment_attach_6-1-14.docx

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Dear Mssrs. Rosauer, Manka and Fegundes:

Approximately 5-1/2 weeks have elapsed since the close of the formal scoping comment period. Has there been any word from the CPUC Legal Division regarding increasing the scope to include the entire 9-mile project?

Also, please find the attached supplemental comments on the NOP for PTC A.13-10-021. Our recent research efforts have identified ten additional more ecologically friendly alternatives. Thank you for your consideration of these alternatives that have only recently come to light.

Please don't hesitate to call if you have any questions.

All the best,

Peggy Ludington
805-657-0430
10300 E. Presilla Rd.
Santa Rosa Valley, CA 93012

From: Nina Brandt <gmechoc@aol.com>
Sent: Thursday, April 24, 2014 11:44 AM
To: Moorpark-Newbury
Subject: Please consider

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

Although I am not a resident of Home Acres, my three beautiful grandchildren are. The thought of them growing up next to these power lines is very disturbing to many, but with that said,
we are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail

malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed. 5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and

energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A**. Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this

Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Nina Brandt

Nina Brandt
381 Pepperwood Ct
Thousand Oaks, Ca 91360
805 492-3864

From: Nina Brandt <gmechoc@aol.com>
Sent: Thursday, April 24, 2014 11:47 AM
To: Moorpark-Newbury
Subject: Thank You

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

Thank you for giving me the opportunity to speak at the meeting regarding the downsizing of Amgen.

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

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I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

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Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

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SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

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F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business

Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A**. Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying

areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ William L. Brandt

William L. Brandt
381 Pepperwood Ct
Thousand Oaks, CA 91360
805 492-3864
gmechoc@aol.com

From: lesplus4@aol.com
Sent: Thursday, April 24, 2014 11:46 AM
To: Moorpark-Newbury
Subject: Something went horribly wrong!

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

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The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A**. Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's
Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no “public Improvements” in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE “improvements”* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley’s Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the “death of a thousand cuts” at the hands of SCE’s piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County’s land use and planning goals.

Damon Wing of Supervisor Linda Parks’ office presented the County’s position at the Scoping Meeting. He reiterated the Board’s consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated “Heritage Tree” per the Ventura County Tree Protection Ordinance. This tree visually softened the “industrial” impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325’ wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE’s construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a “safe haven” for us and our families. The information above lends very little to feeling “safe” (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a “haven”. No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Ledvia Hinojosa

Ledvia Hinojosa
10762 Citrus Dr.
Moorpark CA 93021
805 660 1415
lesplus4@aol.com

From: Pederson, Phil <ppederson@conejousd.org>
Sent: Thursday, April 24, 2014 12:09 PM
To: Moorpark-Newbury
Subject: CPUC

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates.Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

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The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A**. Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's
Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no “public Improvements” in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE “improvements”* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley’s Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the “death of a thousand cuts” at the hands of SCE’s piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County’s land use and planning goals.

Damon Wing of Supervisor Linda Parks’ office presented the County’s position at the Scoping Meeting. He reiterated the Board’s consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated “Heritage Tree” per the Ventura County Tree Protection Ordinance. This tree visually softened the “industrial” impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325’ wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE’s construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a “safe haven” for us and our families. The information above lends very little to feeling “safe” (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a “haven”. No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

Phil Pederson

Phil Pederson
10767 Citrus Dr.
Moorpark CA 93021
805 552-9466

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From: Greg Warwar <warwar@vitesse.com>
Sent: Thursday, April 24, 2014 12:16 PM
To: Moorpark-Newbury
Cc: Greg Warwar
Subject: Moorpark-Newbury NOP Comments
Attachments: WarwarComments.pdf

Greg Warwar
4188 Ventavo Rd
Moorpark, CA 93021
(805) 914-2199
warwar@vitesse.com

April 24, 2014

Mr. Michael Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearny Street, Suite 800
Moorpark-Newbury@esassoc.com

Dear Mr. Rosauer

I and my family are currently residents of Moorpark, CA. We have been aware of the ongoing Moorpark-Newbury 66kV Subtransmission Line Project, but did not realize that the project was still on hold. We only became aware of this last week when one of our neighbors informed us of the current status.

Our particular concern is that there is discussion of trying to find route alternatives. There is a 25-ft utility easement to the west of the project that runs from highway 118 through our property, and in fact right past our house. Our house was built with the proper setbacks to this easement, but nevertheless, it sits about 30 ft outside of the easement. We are thus obviously concerned if this easement were looked to as a possible alternate route. The width of the easement (25ft), the proximity to our home (~ 30ft), and the details of the easement itself (allows only for wooden poles), seem to make it an unsuitable route for consideration.

As I mentioned, we only found out about the ongoing project halt, along with the NOP and scoping period. I am thus thankful to have the opportunity to be able to submit comments to you before the close of the scoping period. Thank you for taking our comments into consideration.

Sincerely,

Greg Warwar

(P.S. I attached a PDF copy of this letter for reference. Thank you!)

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April 24, 2014

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Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearny Street, Suite 800
Moorpark-Newbury@esassoc.com

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As I mentioned, we only found out about the ongoing project halt, along with the NOP and scoping period. I am thus thankful to have the opportunity to be able to submit comments to you before the close of the scoping period. Thank you for taking our comments into consideration.

Sincerely,

Greg Warwar

From: Danalynn Pritz <dl.pritz@verizon.net>
Sent: Thursday, April 24, 2014 1:17 PM
To: Moorpark-Newbury
Cc: peggylud@aol.com; dave@earsi.com
Subject: Comments Re Scoping Meeting on 4.10.14
Attachments: L- Rosauer.04.24.14.pdf; Figures 3.4-1a & b.pdf; Application for Rehearing- Final.pdf; Order Granting Rehearing and Vacating Resolution.pdf

Dear Mr. Rosauer:

Attached please find my letter to you dated 4.24.14, with my comments following the scoping meeting on 4.10.14. I have also attached 3 documents which are referred to and incorporated into my letter to you. I will be sending you three more 3 document which are referred to and incorporated into my letter to you in a separate email, because it's too much information to receive at once.

If you have any trouble receiving this information, or have any question, please let me know.

Thank you.

Danalynn Pritz, Esq.
Ph: (805) 496-8336
Fx: (805) 496-8226

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LAW OFFICES OF

PRITZ & ASSOCIATES

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DANALYNN PRITZ
KURT J. PRITZ
GERALD L. MARCUS, Of Counsel

TELEPHONE: (805) 496-8336
FACSIMILE: (805) 496-8226

April 24, 2014

By Email Only:
Moorpark-Newbury@esassoc.com

Mr. Michael Rosauer
CPUC Environmental Project Manager
c/o Environmental Science Associates
550 Kearney Street, Suite 800
San Francisco, California 94108

Re: Moorpark-Newbury 66kV Subtransmission Line Project (A.13-10-021)

Dear Mr. Rosauer:

On April 10, 2014, you, along with representatives from the Environmental Science Associates, held a scoping meeting at the Santa Rosa Technology Magnet School in regard to the above-referenced project. Members of the community spoke about *numerous* environmental concerns that we hope will be *fairly* and adequately addressed in the Environmental Impact Report (EIR) that will be prepared for this project by late summer. My purpose in writing this letter is to reiterate our long-standing environmental concerns and to emphasize that the scope of the impending EIR *must* include the *entire* project.

At the scoping meeting you seemed surprised to learn that Edison's description of this project is, in reality, only about forty percent of the original, total project described in Edison's Advice Letter (AL) Number 2272-E, dated October 2, 2008 (hereinafter the "initial project"). While everyone acknowledged that the procedural posture of this case is somewhat unprecedented, no one seemed to understand exactly how we got to this point.[1]

[1] Frankly, I was surprised you were not familiar with the history of this project, because I emailed you copies of our reply to Edison's response letter dated 10/31/08 and our appeal of executive director action re: Res. E-4225, dated March 25, 2009.

I would like to briefly recap the history of these proceedings because, as you will see, there is no way to separate this project (A.13-10-021) from the whole project that was originally the subject of AL No. 2272-E.[2]

I am attaching a picture of the project, which Edison now calls its "past activities," figure 3.4-1a. For comparison purposes, I am also attaching what Edison has termed its "future activities" (this project), figure 3.4-1b. You can clearly see from these exhibits that this is one continuous project that was stopped at a random point, but only because the CPUC inexplicably took 19 months to grant our petition for rehearing (discussed post). For environmental purposes, however, there is no difference between pole 23 and pole 24, for example, the environmental concerns are identical.

Indeed, not to get ahead of myself, but in the order granting rehearing, which marked the end of the initial project, the CPUC specifically ordered that:

> 5. Any construction activity that may now be occurring should cease. *Any* application for a permit to construct that is filed *shall disclose the extent of any construction that has occurred* ***and contain an evaluation on the effect of that construction on the permitting process***.

(CPUC Order granting rehearing, filed 11/10/11, at p. 21, emphasis added.)

As I understand the CPUC's order, *any* application for a permit to construct involving the project originally defined in AL No. 2272-E, of which A.13-10-021 is an integral part, "*shall*" contain an evaluation on the effect of that construction on the permitting process. Since the permitting process now includes the preparation of an EIR, I do not see how the prior construction cannot be considered in the impending EIR. Not considering the whole project would violate the CPUC's order granting rehearing.

---

[2] I recognize that Advice Letter 2272-E was dismissed without prejudice by the CPUC in its order granting rehearing. I use AL 2272-E as a means of describing the "whole project" and to demonstrate that Edison considered this project as part of the whole project it originally described.

Edison's attempt to improperly subdivide the current "project" from the whole project originally described in AL No. 2272-E (figure 3.4-1a), also violates CEQA. As the First District Court of Appeal stated in *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com' Berkeley Keep Jets Over the Bay Committee* (2001) 91 Cal.App.4th 1344, at page 1358:

> There is no dispute that CEQA forbids "piecemeal" review of the significant environmental impacts of a project. This rule derives, in part, from [Cal. Pub. Res. Code] section 21002.1, subdivision (d), which requires the lead agency . . . to "consider[] the effects, both individual and collective, of all activities involved in [the] project." It has been recognized that " '[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance. An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR.' [Citation.]"

Therefore, I strongly urge you, and members of the Environmental Science Associates who will be preparing the EIR, to consider the *whole* project, originally described in AL No. 2272-E (figure 3.4-1a), of which A.13-10-021 is a part. This case clearly presents an extremely unusual situation, which calls for unusual measures. However, the lead agency and those assigned to examine the environmental impacts of this project cannot turn a blind-eye to what Edison has already done, simply because *Edison decided* to refile the case and call it a "different" project. It is the same project that was originally described in AL No. 2272-E – the same project for which Edison has spent the last six years trying to avoid environmental review.

We have been asking the CPUC to require this project to undergo environmental review since the case began in October 2008. On October 2, 2008, Edison filed AL No. 2272-E, and Notice of Proposed Construction, regarding the

construction of the Moorpark-Newbury 66kV Subtransmission Line. Before the close of the period to receive protests on October 22, 2008, I, Peggy Ludington, David Tanner and approximately 107 residents of the Santa Rosa Valley, submitted a "Protest to the Proposed Construction." The City of Thousand Oaks, the City of Moorpark, the Municipal Advisory Committee for the Santa Rosa Valley, and the Ventura County Board of Supervisors all filed objections to the project, raising CEQA concerns and land use issues. Community members and these governmental agencies all asked the CPUC to require the project to undergo some form of CEQA review.

Edison objected, claiming AL No. 2272-E was exempt from having to undergo *any* environmental review under General Order 131-D, Section III.B.1.g ("Exemption (g)"). We replied to Edison's claimed exemption by arguing, among other things, that Edison's proposed project triggered the exception criteria, because of the impact the project would have on the environment. However, the biggest problem we had from the beginning, and throughout these proceedings, was that Edison did not operate in good faith. It did not provide much needed information to the parties, or to the governmental agencies who raised concerns about Edison's attempt to construct this 9-mile project in an existing ROW which was constructed in 1970-1971, before the protection of environmental review even existed. (See e.g., CPUC Order granting rehearing, at p. 19 ["SCE, for its part, provided very little formal information, and we instead obtained crucial materials as 'additional information' that could not then be relied upon in Res. E-4243"].)

There was considerable litigation between 2008 and 2010, which ultimately led to the CPUC's adoption of Resolution E-4243, exempting the project from environmental review. The history of this project is set forth in our application for rehearing of Resolution E-4243, filed April 14, 2010, and the CPUC's order granting our rehearing petition, filed November 10, 2011. I am sending you both of these document, and incorporate them herein by this reference.

As I mentioned, the only reason this project was stopped midstream is because the CPUC inexplicably took 19 months to decide and ultimately grant our petition for rehearing, and order construction to stop. However, as my colleague, Ms. Ludington, points out, Edison only started construction on the project about three months before the day the petition for rehearing was granted, and the last pole literally went up the very day our petition was

granted. Edison raced to put as many poles up as it could in about 90 days, and we trust they can be removed just as quickly.

At every opportunity we have had since 2008, we raised environmental concerns. However, not a single one of our issues has ever been addressed. The CPUC identified additional environmental concerns based on documents Edison never made available to the public, but apparently provided the CPUC in such an "informal manner" that the CPUC did not want to consider or rely on them in making any type of decision. (See CPUC Order granting rehearing, at pp. 9-13.)

Because the initial project has *never* undergone environment review, and because our environemental concerns have *never* been addressed, I see no need to repeat those issues here. Rather, I am attaching, and incorporating herein, the following documents which identify our environmental concerns: (1) The protest / objection to the proposed construction I filed on or about October 21, 2008, with supporting exhibits; (2) The reply / objection to Edison's response letter dated October 31, 2008, I prepared and filed November 17, 2008, with supporting exhibits; and (3) The Appeal of Executive Director Action Resolution No. E-4225, I prepared and filed on March 25, 2009, with supporting exhibits. I am formally requesting that the environmental issues identified in the foregoing documents, as well as those identified by the CPUC, in its order granting rehearing (at pp. 9-13), be considered and addressed in the impending EIR.

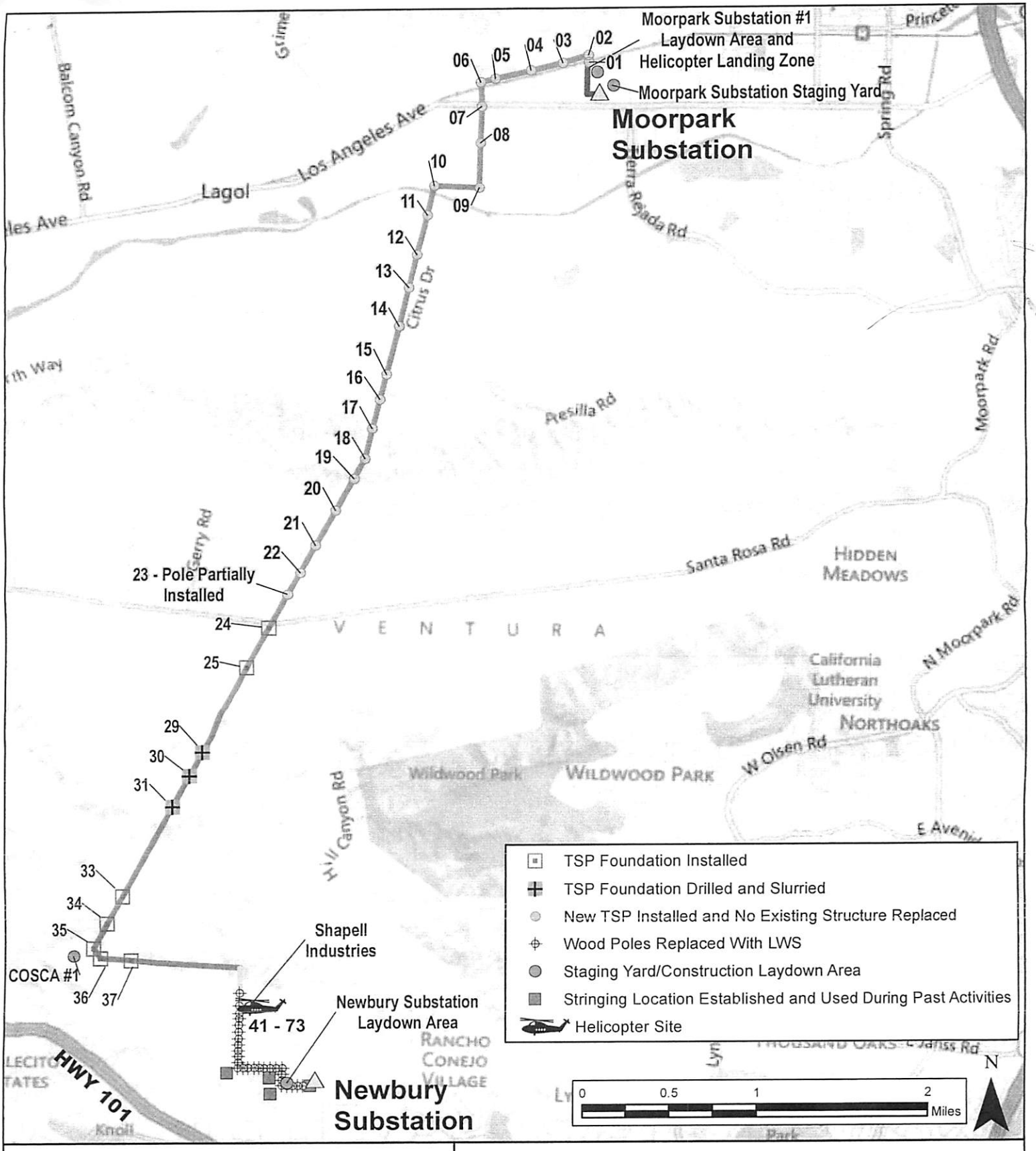
If you have any questions or concerns regarding this matter, please feel free to contact me.

Very truly yours,

dlynn Pritz

Danalynn Pritz, for
PRITZ & ASSOCIATES

DLP:ln
Enclosures



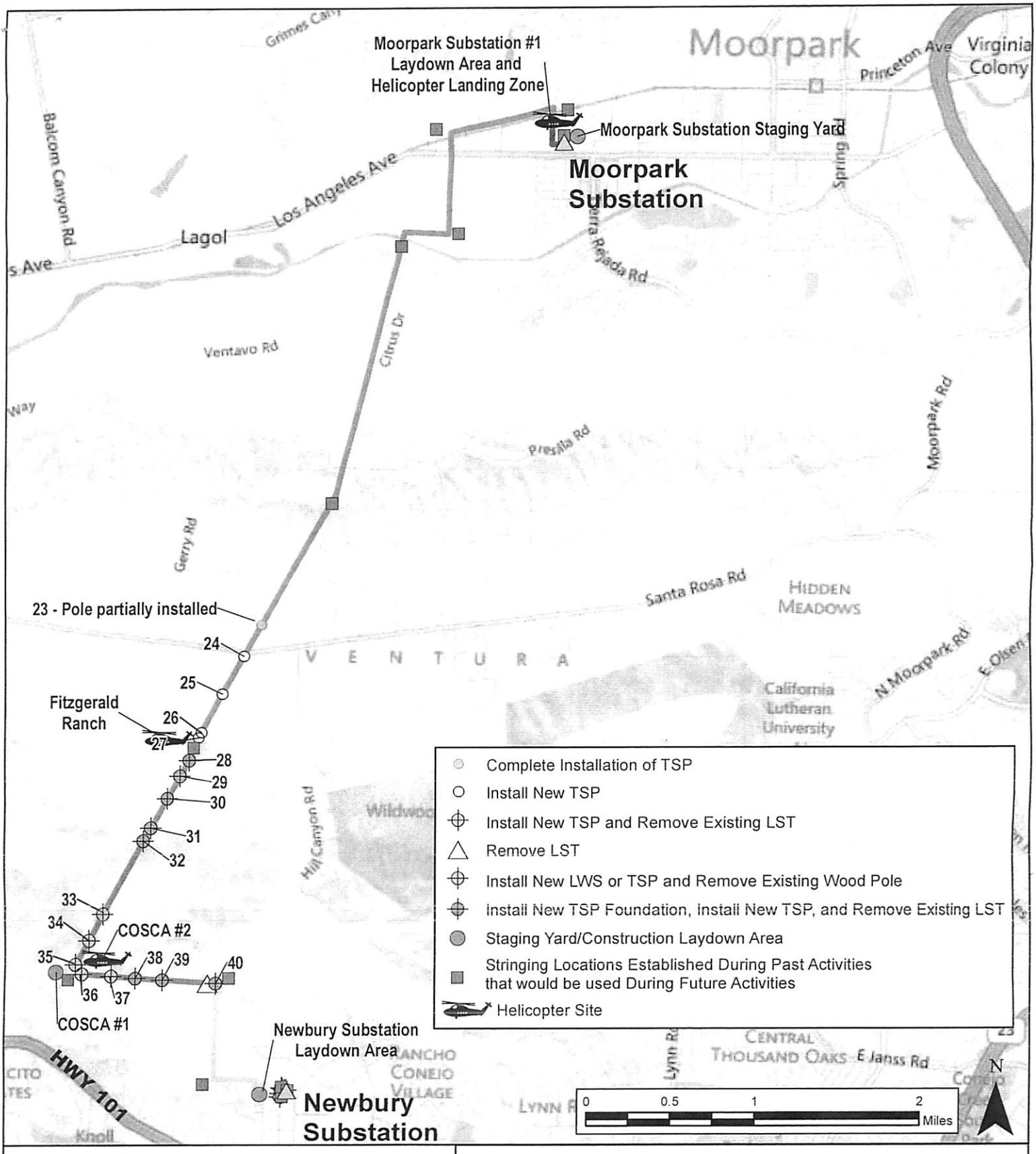
SOUTHERN CALIFORNIA EDISON
MOORPARK-NEWBURY 66 kV SUBTRANSMISSION LINE PROJECT
VENTURA COUNTY, CALIFORNIA
PROPONENT'S ENVIRONMENTAL ASSESSMENT

PAST ACTIVITIES

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

ARCADIS
Infrastructure, Water, Environment, Buildings

Figure
3.4-1a



Substation
Project Section 1
Project Section 2 (Conductor to be installed)
Project Section 3 (Conductor to be installed)
Project Section 4 (Conductor to be installed)

SOUTHERN CALIFORNIA EDISON
MOORPARK-NEWBURY 66 kV SUBTRANSMISSION LINE PROJECT
VENTURA COUNTY, CALIFORNIA
PROPONENT'S ENVIRONMENTAL ASSESSMENT

FUTURE ACTIVITIES

SOUTHERN CALIFORNIA EDISON
An EDISON INTERNATIONAL Company

ARCADIS

Figure
3.4-1b

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application for Rehearing Of: Energy Division Resolution E-4243 Affirming Resolution E-4225 Related to Southern California's Edison's Proposed Moorpark-Newbury 66 kV Subtransmission line	)	**A. No.:** _____ [Advice Letter 2272-E (filed October 2, 2008)]

APPLICATION OF ALAN AND PEGGY LUDINGTON, DANALYNN PRITZ, AND DAVID J. TANNER FOR REHEARING OF RESOLUTION E-4243 (MAILED MARCH 15, 2010)

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DAVID J. TANNER
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Appellant

Application for Rehearing Filed April 14, 2010

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for Rehearing Of: Energy Division Resolution E-4243 Affirming Resolution E-4225 Related to Southern California's Edison's Proposed Moorpark-Newbury 66 kV Subtransmission line	)	**A. No.:** _____ [Advice Letter 2272-E (filed October 2, 2008)]

APPLICATION OF ALAN AND PEGGY LUDINGTON, DANALYNN PRITZ, AND DAVID J. TANNER FOR REHEARING OF RESOLUTION E-4243 (MAILED MARCH 15, 2010)

I.

INTRODUCTION AND GROUNDS FOR APPEAL

Pursuant to Public Utilities Code section 1731(b) and Rule of Practice and Procedure 16.1 of the California Public Utilities Commission ("Commission"), Appellants Alan and Peggy Ludington, Danalynn Pritz, and David J. Tanner (hereinafter collectively "appellants"), hereby apply for rehearing of Commission Resolution E-4243, mailed March 15, 2010 (hereinafter "E-4243"), affirming prior Executive Director's Action Resolution E-4225. Appellants were never served with the Draft Resolution E-4243 and had no notice this matter had been restored to the Commission's agenda on 3/11/10, after being specifically advised by Commission staff that this matter was being

held indefinitely to allow for informal resolution of land use issues between the Ventura County Board of Supervisors (hereinafter "County") and Southern California Edison (hereinafter "SCE").

As more fully set forth in the following memorandum, the Commission's approval of E-4243 is both erroneous and unlawful for the following reasons:

1. The Commission did not proceed in the manner required by law (Cal. Pub.Util. Code, §1757, subd. (a)(2)) in failing to provide proper notice of the amended resolution;

2. The Commission did not proceed in the manner required by law (Cal. Pub.Util. Code, §1757, subd. (a)(2)) in failing to provide proper notice of the public hearing;

3. The Commission committed prejudicial abuse of discretion (Cal. Pub.Util. Code, §1757, subd. (a)(1)) by violating its own procedural rules (Cal. Pub.Util. Code, §311, subd. (g)) in not providing proper notice of the amended resolution and notice of the public hearing on said resolution;

4. By reason of its failure to provide proper notice of the amended resolution and the public hearing on said resolution, the Commission denied appellants and the general public a meaningful opportunity to be heard and therefore violated due process (Cal. Pub.Util. Code, §1757, subd. (a)(6));

5. The Commission committed prejudicial abuse of discretion (Cal. Pub.Util. Code, §1757, subd. (a)(1)) by violating its own procedural rules when it failed to address the County's land use issues in a timely manner, as prescribed by the Commission's own rules;

6. The decision, Resolution E-4243, was procured by fraud (Cal. Pub.Util. Code, §1757, subd. (a)(5)) because it is based on misleading and incorrect information from SCE that it had resolved the County's land use issues, and/or that further discussions with the County were not warranted;

7. The Commission committed prejudicial abuse of discretion in passing E-4243 (Cal. Pub.Util. Code, §1757, subd. (a)(1)), because SCE failed to comply with the mandates of General Order, Section XIV, Subsection B, with regard to resolving its land use issues with the County;

8. The Commission's findings regarding the adequacy of the notice of proposed construction, pursuant to General Order 131-D, Section XI, Subsection C.2 and C.4, is not supported by substantial evidence in the record (Cal. Pub.Util. Code, §1757, subd. (a)(4));

9. The Commission's findings regarding the project's consistency with Section III, subsection B.1.g of General Order 131-D, is not supported by substantial evidence in the record because the Commission did not consider the scope of existing deeds, easements, and condemnation orders (Cal. Pub.Util. Code, §1757, subd. (a)(4));

10. The Commission's findings that the project is necessary is not supported by substantial evidence because SCE's assertion of need is based on information from 2005, and does not take into consideration more recent circumstances that may contradict the need for the project (Cal. Pub.Util. Code, §1757, subd. (a)(4)); and,

11. The Commission abused its discretion in denying appellants' appeals (Cal. Pub.Util. Code, §1757, subd. (a)(1)), because the Commission failed to recognize that appellants presented a fair

argument, through substantial, uncontradicted expert evidence, that the proposed new construction may have a potential significant impact on the environment.

Appellants incorporate by reference the entire record underlying E-4243, including but not limited to: Ludington letters to the Commission dated 10/8/08, 11/9/08, 3/24/09, 6/3/09, 9/18/09 (with supporting exhibits), 11/16/09, and 3/30/10; the protests / objections filed in opposition to SCE advice letter No. 2272-E (dated 10/2/08); the protest / objection to the proposed construction filed by Danalynn Pritz on or about October 21, 2008, with supporting exhibits; the reply / objection to Edison's response letter dated October 31, 2008, prepared by Danalynn Pritz and filed November 17, 2008, with supporting exhibits; the Appeal of Executive Director Action Resolution No. E-4225, prepared by Danalynn Pritz and filed on March 25, 2009 with supporting exhibits; the various letters to the Commission submitted by CEQA expert and co-appellant, David J. Tanner of Environmental and Regulatory Specialist, Inc. ("EARSI"); the transcript of the public hearing held on September 18, 2009; all documents referenced herein; and upon any further information that may be submitted to the Commission at a future hearing on this matter.

II.

STATEMENT OF FACTS

SCE seeks to construct a new Moorpark-Newbury 66 kV *sub-transmission* line in a right-of-way (ROW) that has served exclusively as a 220 kV *transmission corridor* for nearly four decades. The existing double line of 220 kV towers in that ROW was constructed in 1970-1971, before the protection of environmental

review existed. It has remained unchanged since its construction. Nearby, approximately 1800 feet to the west of this corridor, deeply embedded within a 2-mile wide greenbelt, there is a 66 kV sub-transmission line running parallel to the existing 220 kV ROW. On 10/2/08, SCE "posted" its Advice Letter. This was a laminated 11" x 18" paper, stapled at knee-height to wooden survey stakes around the neighbors. The letter contained more than 1,000 words of technical jargon in 8-point font. The notice was deficient because it did not contain a concise description of the proposed construction and facilities, its purpose and its location in terms *clearly understandable to the average reader*, in violation of General Order ("GO") No. 131-D, §XI, Subdivision (C)(2).

Members of the public protested and requested a public hearing. The City of Thousand Oaks, the City of Moorpark, the Municipal Advisory Committee for the Santa Rosa Valley, and the Ventura County Board of Supervisors (hereinafter "County"), all filed objections to the project, raising significant environmental concerns under CEQA and land use issues. On 10/28/08, after receiving over 110 protests to the proposed project, the Commission suspended the matter for thirty days to evaluate.

On October 31, 2008, SCE filed its letter in response to the protests. SCE was not forthcoming with information about the project or other factors impacting the project. Instead of providing full disclosure, adequate notice, and showing good faith, SCE constrained the flow of information, providing just enough information for *it* to argue that the protests should be dismissed and this massive 9-mile project should be allowed to go forward, unchecked, and without any

environmental review whatsoever. The public objected yet again and provided this Commission with comprehensive, cogent reasons why SCE's representations should not be accepted at face value, including the undisputed opinions and conclusions of CEQA expert, appellant Dave Tanner, that this project would have a significant impact on the environment which demanded CEQA review, or at least a permit to construct.

E-4225 was approved on 2/24/09. Appeals were timely filed. On 5/5/09, the first Draft Resolution E-4243 (19 pages) was served with notice of its placement on the 6/2/09 agenda. Thereafter, on 5/18/09, a replacement Notice letter and second Draft Resolution (21 pages) was served by Commission staff. It affirmed Resolution E-4225 and denied the appeals.

By early June 2009, the County requested a public hearing. E-4243 was taken off the 6/18/09 agenda to allow for a public hearing. The 8/3/09 Notice of Public Hearing specifically admonished the public that the hearing related to the County's land use issues only: "it is a separate matter [from the appeals]. . . . [It] is not the proper venue to debate the Commission's jurisdiction . . . or the Executive Director's finding that the Facilities are exempt from the Commission's permitting requirements." Appellants filed written objections to the notice on the grounds, inter alia, that service was improper / incomplete, the timing of the hearing violated GO 131-D, Section XIV.B, and it unduly restricted the public's ability to be heard and right to due process. Not until the administrative law judge convened the hearing on 9/18/10 were attendees advised that public comment on all issues could be made, leaving the public ill-prepared and

under-represented.

A significant example of the public's inability to meaningfully participate in this government-sanctioned procedure (designed to afford the public due process and the opportunity to be heard) is readily demonstrated by SCE's tactics prior to this hearing. *Two days* prior to the hearing, SCE's Regional Manager sent a letter via e-mail to Supervisor Parks, advising the County and the public *for the first time* that the proposed 66 kV line is only the first phase of expanding the ROW in question. SCE revealed plans for a third 220 kV line on the west side of the existing towers. This information, though clearly significant, was never previously revealed by SCE. Appellants quickly urged the Commission that this *third* 220 kV line project completely altered the scope and impact of the proposed project and demanded deeper scrutiny into the aggregate effect of the proposed project. The Commission failed to address this valid point based on SCE's erroneous representation that the 220 kV line was "speculative." SCE's position is specious on its face. The expansion of the ROW to include a third set of 220 kV lines cannot be "speculative" yet also serve as SCE's basis for refusing to place the proposed 66 kV line on the west side of the existing towers.

The week prior to the public hearing, SCE acquiesced to the Commission's urging that it meet with the County to resolve their differences. SCE specifically refused to meet with appellants, or any member of the public. It was a settlement conference in name only. There was no attempt to work toward compromise. SCE's position

remained fixed while the public remained uninformed and the County's questions remained unanswered.

On 10/23/09, Commission staff attorney, Jack Mulligan, advised Appellants via e-mail that the E-4243 would likely be heard at the Commission's 11/20/09 meeting, and that additional information would be sent to Appellants the following week. At that time, the only pending Resolution about which the parties knew was the 21-page *second* Draft served 5/18/09. Although *never served* on Appellants, the Commission apparently had before it a *re-revised* 20-page *third* Draft Resolution E-4243. On 11/13/09, the County advised Appellants it had learned this modified version appeared on the 11/20/09 agenda. None of the appellants were served with either this Draft Resolution or the notice of the agenda item.

Appellants immediately objected based on lack of notice. On 11/19/10, the County persuaded the Commission to take the matter off its agenda to allow time for the County and SCE to work out a resolution. Through Supervisor Parks' office, Appellants were notified the item was being "held" from the Commission's agenda.

The first informal meeting took place on 1/15/10. At the outset, SCE again refused to allow Appellants or members of the public to attend. This time, however, the County refused to hold a meeting at which the public was not welcome. After weeks of negotiation, SCE ultimately acquiesced and met with four members of the public, before holding its "closed door" meeting with the County. SCE was asked to consider alternatives to the proposed subtransmission line, such as undergrounding the lines, co-location with the proposed Presidential Sub-station (serving the same community *from the same transmission*

source), co-location with the existing 66 kV easement 1800 feet to the west of the ROW, and locating the proposed 66 kV lines to the west side of the existing 220 kV towers (further away from homes) within the existing ROW. SCE indicated it would review alternatives and get back to Supervisor Parks.

Noticing that Draft E-4243 appeared on the Commission's 2/25/10 agenda, and knowing that negotiations were pending, Supervisor Parks inquired about its status in a 2/17/10 e-mail to Carol Brown. Ms. Brown responded with assurances: "We will continue to hold it until we feel the issue has been addressed. So - no need to be concerned about the fact it shows up on the agenda."

A second meeting took place on 2/19/10. SCE struck down every option proposed by the County at the January meeting. New alternatives were proposed. SCE claimed they were not feasible. To gain understanding, the County and Appellants requested data, information and documents, which SCE *agreed* to provide.

Following this meeting, Supervisor Parks e-mailed Ms. Brown on 2/23/10 to advise the Commission of the status and to request the matter continue to be "held" pending receipt of the promised information. By return e-mail dated 2/24/10, Ms. Brown confirmed that, "until there is a resolution the Commission will not vote on the matter…. [W]e know the matter is still being negotiated and we held it." A copy of this email exchange between 2/12/10 and 2/23/10 is attached as Attachment "A" and incorporated herein by this reference.

Based on these several assurances, Supervisor Parks felt no additional contact with the Commission was necessary until the promised additional information was received and digested, and the

County had an opportunity to reconvene talks with SCE. Although the project again appeared on the 3/11/10 agenda, Supervisor Parks had already been reassured *numerous times* that, although the item would continue to appear on the agenda, the Commission would not vote "until there was a resolution."

Thus, the County and Appellants were astonished when E-4243 was served by mail on 3/15/10. This 25-page, *fourth version* of E-4243, was never before seen by Appellants, and Appellants received no notice of its pendency on the 3/11/10 Commission agenda. Appellants were misled by Commission staff and consequently again denied due process and the opportunity to be heard.

To date, none of the additional information promised by SCE has been provided to the County.

The failure of the Commission to serve either the *third or fourth* revision of E-4243 effectively denied Appellants the opportunity to comment on the significantly altered, post-public hearing draft. While Appellants attempted to swiftly notify the Commission (via letter dated 3/30/10) of the procedural error – to wit, the lack of service of both Draft Resolutions and notice of the 3/11/10 agenda item– Appellants have been advised by Ms. Brown that the Commission is powerless to act without an Application For Rehearing filed through its docket office. Accordingly, this application for rehearing is being timely filed.

III.

FATAL PROCEDURAL ERRORS SHOULD NULLIFY E-4243.

A number of significant procedural errors led up to the Commission's approval of E-4243. Briefly, they are (a) lack of service of the final Draft Resolution and notice of its pendency, especially given the Commission's assurances to the contrary, (b) flawed notice of public hearing, (c) inadequate project notice, and (d) lack of meaningful consultation with the County.

A. The Commission Did Not Proceed in the Manner Required by Law (Cal. Pub.util. Code, §1757.1, Subd. (A)(2)) And it Committed Prejudicial Abuse of Discretion (Cal. Pub.util. Code, §1757.1, Subd. (A)(1)) by Violating its Own Procedural Rules (Cal. Pub.util. Code, §311, Subd. (G)) When it Failed to Provide Proper Notice of the Amended Resolution And Notice the Public Hearing on Said Resolution. The Actions of the Commission Denied Appellants Due Process of Law.

California Public Utilities Code, Section 311 (g) provides:

> Prior to voting on any commission decision not subject to subdivision (d), the decision shall be served on parties and subject to at least 30 days public review and comment. . . . For purposes of this subdivision, "decision" also includes resolutions, including resolutions on advice letter filings.

(See also *Southern California Edison Co. v. Public Utilities Com'n* (2000) 85 Cal.App.4th 1086, 1108 ["section 311, subdivision (g) imposes procedural requirements when the PUC votes out a resolution. Under section 311, subdivision (g), the PUC *must* release a proposed resolution to the public 30 days before adoption.

Additionally, the PUC also *must* consider possible protests, may issue an alternate draft resolution for comment, and must vote on a resolution], italics added.)

As with the *third* Draft Resolution, none of the appellants was served with the *fourth* Draft Resolution E-4243 or notice of its pendency on the 3/11/10 agenda. (The third and fourth drafts contain significant modification based on the 9/18/09 public hearing.) This is true despite that Appellants have been parties of record since their respective protest letters, appeals and objections were filed with the Commission in 2008 and 2009. This lack of service violates Public Utilities Code Section 311(g) and Rule 14.2(c) and constitutes a fatal flaw. The Commission's lack of notice denied appellants due process of law, by denying them the opportunity to comment on and/or object to the materially modified fourth revision of the draft resolution.

Ever since the County's request for a public hearing in early June 2009, the Commission had held in abeyance any further action on this project and our appeal. As outlined above, the County continued to keep the Commission abreast of its negotiations with SCE. (See Attachment "A.") Each such communication met with Ms. Brown's reassurance that the Commission would not act pending resolution. The last communication received from the Commission was resounding:

> The matter was already held - until there is a resolutiion [sic] the Commission will not vote on the matter. Now - I know it is frustrating for you, but the matter will stay on the agenda until it is either voted on - or withdrawn. As a member of the public, you can not [sic] tell if the matter is held or not. But - because I am following the matter, as is

> the Commission's Energy Division, we know the matter is still being negotiated and we held it.

(Attachment "A," email from Carol Brown, 2/24/10.)

In the wake of the surprise action by the Commission, Supervisor Parks notified Carol Brown of her continued understanding that the project was supposed to be "held." (A copy of Supervisor Park's letter dated March 31, 2010 is attached hereto as Attachment "B" and incorporated herein by this reference.)

To date, none of the promised additional information has been provided by SCE to the County. Therefore, it was error for the Commission to act absent a resolution between SCE and the County. E-4243 is based on the fraudulent misrepresentation that no further information needed to be provided by SCE to the County to resolve the significant land use issues present here.

The lack of service of the *fourth* draft of E-4243 and the Commission's failure to notify appellants or the public of the pendency of the item on the 3/11/10 agenda violates Cal. Pub. Util. Code Section 311(g) and Rule 14.2(c) and denied appellants due process and the opportunity to be heard. When, as here, the Commission fails to comply with its own rules, the Commission has failed to proceed in the manner required by law. (See e.g., *Southern California Edison Co. v. Public Utilities Com'n* (2006) 140 Cal.App.4th 1085, 1104.)

B. <u>The Commission Committed Prejudicial Abuse of Discretion (Cal. Pub. Util. Code, §1757.1, Subd. (A)(1)) by Violating its Own Procedural Rules When it Failed to Address the County's Land Use Issues in a Timely Manner.</u>

GO 131-D, Section XIV.B provides in part:

> In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing *no later than 30 days after the utility or public agency has notified the Commission of the inability to reach agreement on land use matter*.

(Italics added.)

In early June, Supervisor Parks notified the Commission of the County's request for a public hearing. Not until 8/3/09 did the Commission respond with a notice of a public hearing, and that hearing was set for 9/18/09 (more than 90 days after the request). Appellants objected to the public hearing as couched by the Commission on three grounds:

1. Violation of GO 131-D, Section XIV.B-Hearing was more that 30 days after request;
2. Violation of Rules of Practice and Procedure 11, Rule 13.1-Notice was given only to persons on record as protesting, *not to the general public as required*; and,
3. *Improper restriction of the scope of public comment*.

The public's first notice that public comment would be allowed on all issues, came from the Administrative Law Judge as he began the proceeding. Consequently, very few members of the public spoke

and those who did had no time to marshal the evidence they ordinarily would have presented.

On its face, the hearing violated GO 131-D, Section XIV.B and Rules of Practice and Procedure 11, Rule 13.1. These procedural improprieties were errors in law that have never been addressed by the Commission. (See *Southern California Edison Co. v. Public Utilities Com'n, supra,* 85 Cal.App.4th 1086, 1105 [Commission's decision reversed when its actions contravene its own general order].)

C. The Commission's Findings Regarding the Adequacy of the Notice Pursuant to General Order 131-D, Section XI, Subsection C.2 and C.4, Is Not Supported by Substantial Evidence in the Record (Cal. Pub.Util. Code, §1757.1, Subd. (A)(4)).

In establishing the necessary contents of a project notice, GO 131-D, Section XI.C.2 requires in pertinent part: "A concise description of the proposed construction and facilities, its purpose and its location *in terms clearly understandable to the average reader*." (Italics added).

E-4243 confirms that SCE's 10/2/08 Advice Letter gave the community adequate notice. It accepts that the average citizen should understand the terms of the Advice Letter, while hundreds of citizens have highlighted its inadequacies in both content and form. It asserts that Santa Rosa Valley Residents should have realized that Section 2 of the project was near their homes and community. It asserts that the language of the Advice Letter is precise and clear.

While those who work at the Commission office might be intimately acquainted with such phrases such as: "66 kV subtransmission line," "base case overload," "Moorpark tap," "Ormond Beach Moorpark 220 kV ROW," "engineered TSPs," "220 kV tower M16 T5," and "steel reinforced (ACSR)," the Advice Letter is

indecipherable to the truly *average* reader.

The 11" x 18" white paper contained more than 1,000 small font words. As "posted," the top of that paper stood less than three feet off the ground. In reality, the average reader was either squatting or kneeling in the dirt, scrounging for reading glasses, neck crooked, just attempting to see the words no less digest their meaning. A cursory reading required the reader to endure that awkward position for several minutes, with a comprehensive review taking much longer.

Even assuming, for argument's sake, the "average reader" could ascertain that Section 2 was the passage pertinent to Santa Rosa Valley, its language is patently confusing:

> Section 2: Construction of 34 engineered TSPs *existing* in the SCE's existing Ormond Beach-Moorpark 220 kV ROW for approximately 5 miles:
>
> This portion of the project will extend east from the Moorpark Substation and then south to a point adjacent to SCE's existing 220 kV tower M16 T5. From this point, the new line will transition *to an existing 66 kV ROW as described in #2 below.*

(Italics added.)

What is the average reader to make of the language: "Construction of 34 engineered TSPs existing in the SCE's existing Ormond Beach-Moorpark 220 kV ROW?" If 34 engineered TSPs already exist (as stated), there is no need for construction. (It is noteworthy that the Executive Director dropped the first "existing" when reciting this description on page 2 of E-4243. Still, the average reader in the field was faced with the confusion created by it.) What is a "220 kV ROW?" What is "transmission" versus

"subtransmission?" Where is Ormond Beach, and where is the Ormond Beach-Moorpark 220 kV ROW?

Further, what would that average reader make of the language: "From this point, the new line will transition to an existing 66 kV ROW as described in #2 below"? *There is no "#2" below*. The reader is reading the only #2 that appears in the Advice Letter. (Again noteworthy, the Executive Director dropped "#2" in reciting this description, perhaps aware that no "#2 below" existed. Again, "the average reader" was confused.) Where and what is "SCE's existing 220 kV tower M16 T5?" Even if the reader knows what a "66 kV ROW" is, the only "existing" 66 kV ROW is one 1800 feet to the west of subject ROW. How is the average reader, even "by carefully reading," to ascertain that the proposed project would be contained within the existing 220 kV tower ROW?

The average reader does not possess the expertise to overlook inconsistencies or typographical errors and decipher the real meaning. Any such inconsistencies and errors only fostered confusion.

Additionally, from what language would that reader be able to ascertain that the TSP line would lie to the *east* of the towers, and thereby closer to homes? Nowhere in the notice does it specify on which side of the towers the TSPs will be placed. The ROW is 300 feet wide. The existing towers are located roughly in its middle. Even if residents knew to which ROW the "Notice" referred (the 220 kV line

vs. the existing 66 kV line), there is absolutely no way to know which side of the towers (east vs. west) the TSPs would flank.

Appellants maintain that: (1) the language of the Advice Letter is neither plain nor comprehensible by the average reader, (2) the location of the proposed project cannot be ascertained from it, (3) even if the location had been adequately identified, nothing in the terms designates on which side of the existing 220 kV towers the TSPs would be placed, and (4) the manner of "posting" notice (on a survey stick, at knee height, with more than 1,000 words of jargon in 8-point font) was painfully inadequate.

D. The Commission Committed Prejudicial Abuse of Discretion in Passing E-4243 (Cal. Pub. Util. Code, §1757.1, Subd. (A)(1)), Because the Utility Failed to Comply with the Mandates General Order, Section XIV, Subsection B, in Regard to Resolving its Land Use Issues with the County.

GO 131-D, Section XIV.B mandates: "in locating [electric power line] projects, *the public utilities shall consult with local agencies regarding land use matters*." (Italics added.) For this Section to have teeth, the public utility must do more than simply allow the local agency to voice land use concerns *after* projects have been designed and located. To be meaningful, consultation must occur in advance so the Commission can resolve any disputes *before* drafting a resolution based solely on the representations of the utility. Land user oncerns must be considered, addressed and incorporated in determining a project's planned location.

In this case, SCE never engaged in *meaningful* consultation with the County. It merely informed the County of its plans, after SCE had unilaterally planned for this massive expansion. SCE failed

to discharge Section XIV.B's mandate *prior* to designing its project.

Indeed, SCE seemingly expressed contempt at the County's initial efforts to open a dialogue between it, the County, and the public. At a Board of Supervisors' meeting on October 28, 2008, SCE representatives brushed off the County's offer to table its project pending consultation with the County and the Public. This lack of good faith spurred Supervisor Kathy Long to publicly chastise SCE representatives prior to the Board's unanimous vote in support of the protest. Her harsh words were published in the Ventura County newspaper the following day:

> "Edison has been a great partner in the community, and *you dropped the ball on this one,*" she said. "This is a *significant project* and you need to have communication – *not just notification, but communication* – with the supervisors and the community."

(Ventura County Star, Section B, Page 2, 10/29/08, italics added.)

Even when the Commission, in its public hearing notice, "urged" SCE to meet with the County, SCE simply went through the motions of meeting, but it stonewalled Supervisor Parks' efforts to consider alternatives more consistent with the County's land use objectives.

In its subsequent 1/15/10 and 2/18/10 informal meetings with Supervisor Parks, SCE continued to deflect the County's land use concerns, ardently defending its original project plan as the optimum design. Yet, "optimum" is not synonymous with "only." And, had SCE consulted the County in *advance* of the final planning stages, the present project would have likely been different.

SCE has acknowledged the feasibility of several of the suggested alternative locations. However, it has flatly refused to consider them

unless protesting homeowners agree to bear the additional expense, amounting to millions of dollars. The public at large already bears the cost of SCE projects and losses. Indeed, SCE has raised consumer rates three times in the recent past. Suggesting that adjacent landowners pay millions of dollars associated with this project is so ridiculous it can hardly be construed as a good-faith negotiations. SCE's tactics violate GO 131-D, Section XIV.B. Had SCE consulted with the County at the inception of the project's design, it would have no "optimum" less expensive plan with which to compare. Any increased expense simply would be incorporated into the cost of doing business.

SCE's consistent refusal to incorporate the County's land use goals and concerns into its design and location of the Moorpark-Newbury Park 66 kV line violates GO 131-D, Section XIV.B, thereby rendering Commission approval of E-4243 unlawful.

IV.

APPLYING EXEMPTION G WAS ERROR.

For the reasons that follow, the Commission erred in finding this project exempt under GO 131-D, Section III.B.1.g (hereinafter Exemption G). There is no substantial evidence to support the Commission's decision. The application of Exemption G in this case flies in the face of the spirit and letter of the ALJ hearings and decisions that approved GO 131-D. GO 131-D was expressly targeted at closing the environmental loophole of old GO 131-C. E-4243 incorrectly and erroneously re-opens the environmental loophole in contravention to cannons of statutory construction, public policy

favoring environmental review, the history underlying the adoption of GO-131D, and common sense.

A. The History Underlying the Adoption of GO 131-D Does Not Support the Commission's Decision That Exemption G Applies Here.

Under GO 131-C, the Commission did not review power line projects between 50-200 kV for compliance with the environmental protection under California Environmental Quality Act (hereinafter "CEQA"). Because exempting such projects from licensing and environmental review failed to comply with both the letter and the spirit of CEQA, ALJ hearings and decisions (as reported in 55 CPUC 2d 87 and 61 CPUC 293) revised GO 131-C and implemented GO 131-D. The express purpose of the revision was to remove the pre-existing avoidance of CEQA. The ALJ found that CEQA mandated that environmental review *include* such 50-200 kV power lines. All discretionary projects now would require a permit to construct (hereinafter "PTC") or previous CEQA compliance.

The stated rationale for developing Exemption G was that the subject facilities or ROW had already undergone CEQA review and need not bear the additional environmental scrutiny the PTC process requires. "The sole purpose of the [PTC] is to ensure that environmental considerations have been fully taken into account." [Id. at p. 17] Granting the exemption in this case was contrary to the spirit and letter of Decision No. 94-06-014 (55 CPUC 87) that created Exemption G.

B. The Commission's Interpretation of Exemption G Violates the Cannons of Statutory Construction.

The Commission found this project is exempt under Exemption

G, which reads: "1. Compliance with Section IX.B is not required for: . . . (g) power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts." For reasons we have previously detailed, appellants maintain that the Commission's interpretation of Exemption G is contrary to law.

SCE claims that this project is exempt under the foregoing provision because the project involves new construction in an existing ROW. SCE relies exclusively on the first portion of Exemption G, before the semi-colon. We maintain that the semi-colon does not create two independent clauses (two separate exemptions), because to allow a project of this magnitude to completely avoid the permitting process and environmental review, simply because the project involves the use of an existing easement or ROW, does not comport with the overall intent of GO 131-D, CEQA guidelines, or common sense.

The semi-colon in Exemption G creates an ambiguity and when, as here, an ambiguity exists, the statute must be interpreted in context, examining other legislation on the same or similar subjects, to ascertain the Legislature's probable intent. (*California Teachers Assn. v. Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th 627, 642.) When Exemption G is considered in the context of the other exemptions surrounding it (B.1.f., B.1.g., and B.1.h.) it becomes clear that the Exemption G must be read as a whole, and as not two fragmented clauses, each with an independent meaning. The

surrounding exemptions only exempt projects that have undergone environmental review. Exemption G should be read similarly, in context. The Commission has offered no viable basis for its reading of Exemption G.

The Commission used one hand to create GO 131-D to close a CEQA loophole for previously unregulated projects, and now uses the other to open it back up through its interpretation of Exemption G. SCE and the Executive Director have promoted an erroneous interpretation of Exemption G, which appears to be based on the semi-colon separating "existing easements" from "mapped utility corridors." By "embracing the semi-colon," they effectively undo the intended prior-environmental-review qualifier (which closed the CEQA loophole) as it applies to "existing easements." Their interpretation has created a new – or rather, reverted to the *old* – category of exempt projects: any 50-200 kV project to be located in an existing franchise. This position is not supported by the logic and reasoned language of the ALJ decisions, and creates precisely the loophole the decision was intended to eliminate.

In discussing the need for limited PTC exemptions in 55 CPUC 2nd 87, the ALJ relied entirely on the assumption that the subject ROW or facility had undergone previous CEQA review. In such cases, exemption would avoid duplication of effort. The Decision is explicit in this regard:

> [I]t is appropriate to provide an exemption for projects that are to be constructed within franchises . . . *that have been approved in accordance with CEQA*. Once a government agency has reviewed the placement of utility facilities pursuant to CEQA, we see no reason

for the Commission to *duplicate* that effort.

(55 CPUC 2d 87, § K.1.c(5), emphasis added.)

The ALJ went on to admonish that, even where prior environmental review is documented, the exemption should only be granted if those documents "find no significant unavoidable impacts." [Ibid., emphasis added.) ***The Ormond Beach-Moorpark 220 kV ROW has never been subject to environmental review.***

Appellants have presented volumes of data demonstrating why this project requires CEQA analysis. Given the language and context of GO 131-D as revised, it is untenable for the Commission to exempt such far-reaching SCE activity as this construction of 9 miles of 66 kV subtransmission lines in the shadow of the existing double 220 kV towers. Granting exemption constitutes an error in the application of law.

C. No Significant Public Improvement Exists to Justify the Application of Exemption G.

Regardless of whether prior CEQA review is a precursor for applying Exemption G, applying the exemption to this project is ill-founded. Decision No. 97-03-058, upon which E-4243 relies, clearly delineates the rationale underlying Exemption G. That decision describes that the exemption is based on the assumption that the franchise area is "*already improved and the original environment disturbed by virtue of the construction of the streets and associated public uses such as curbs, gutters, sidewalks, sewers and other facilities.*" (71 CPUC 2d 339, 23-25; Decision No. 97-03-058, Application No. 95-12-048 (Filed December 13, 1995), italics added). It is not a per se relationship, that is, because a project falls within an existing franchise, it is per se exempt. Rather, the exemption is only

logical if "the area is already disturbed *by significant public improvement*." (*Ibid*.) Only the presence of such disturbance obviates the need for deeper environmental scrutiny.

In this case, there are *no* "public improvements" in the north-south run of the ROW. It traverses only native brush and private farm land, and twice rises and drops more than 1,000 feet over two different hilltops. Agriculture and open space sprawl for more than 2 miles to its west. *There is no public access or improvement*; the existing 220 kV tower footings are the only public "disturbance" within the 5+ mile north-south run. Private driveways and dirt farm roads provide the only access to the widely spaced tower bases, which have remained in their current configuration-virtually untouched-for nearly 40 years. There are no other SCE improvements in the span between tower bases. Eleven of the 13 tower sets have crops, orchards and native brush growing between their legs.

It is noteworthy that all of Section 3 (2.5 miles) and Section 4 (1.3 miles) and parts of Section 2 actually traverse virgin land (with the sole exception of tower footings). This amounts to nearly half of the ROW. Thus, there exists no significant public improvement in the ROW to substantiate the granting of Exemption G. Exempting this project violates the law.

D. The Commission's Findings That Environmental Review is Not Warrant Because SCE's Future 220 kV Tower Plans Are "Speculative" and Should Not Be Considered With This Project Is Contrary to Law and Not Based on Substantial Evidence.

This ROW has never undergone environmental review. Its original 1970-1971 construction pre-dated such requirements. The Commission has *never* addressed this shortcoming, glossing over this requirement by declaring the project to be "categorically" exempt. Yet, the 9-mile 66 kV line meets CEQA's definition of a "Project." Under CEQA Guidelines §15378, a "project" is an "activity that has the potential for a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment."

The need for CEQA review is further underscored by SCE's recent disclosure of its intention to add a new 220 kV line to the west flank of the ROW– its asserted basis for refusing to relocate the present 66 kV line in that west flank further away from homes. At the public hearing, SCE described this expansion as projected for 2017-2020. However, in the 2/19/10 meeting with Supervisor Parks, an off-hand comment by SCE staff revealed the timeline to be significantly shorter. This is not an "unspecified and uncertain" future development, contrary to the assertions in E-4243. It is already in the planning stages. Its specifications are concrete enough to prevent the use of the ROW's west flank for the present 66 kV project to mitigate the County's lands use concerns regarding its proximity to homes.

The Commission's reliance on *Laurel Heights Improvements Association v. Regents of the University of California* (1988) 47 Cal.3d 376 ("*Laurel Heights*"), for the proposition that the new 220 kV lines should not be considered together with the current 66 kV line because

where future development is "unspecified and uncertain," no purpose can be served by requiring an EIR, is misplaced. The Commission takes the foregoing statement from *Laurel Heights* out of context. Indeed, the conclusion ultimately reached by the Supreme Court actually supports *Appellants' position*.

In *Laurel Heights*, the court was considering "[t]he more important and difficult question [of] what circumstances require consideration in an EIR of future action related to the proposed project." (47 Cal.3d at p. 395.) In citing to the arguments of the parties, the court stated: "The Regents correctly note that 'where future development is unspecified and uncertain, no purpose can be served by requiring an EIR to engage in sheer speculation as to future environmental consequences.'" (*Ibid*.) However, the court also quickly noted the contrary view that, "'EIRs should be prepared as early in the planning process as possible to enable environmental considerations to influence project, program or design.'" (*Ibid*.) In addressing "the question of how to balance these competing concerns" (*ibid*.), the Court found that the way the issue was articulated its prior decision in *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, was the appropriate test to employ in determining whether and to what extent an EIR must analyze future expansion or other action.

> [In *No Oil*] we framed the issue as whether the public agency had "sufficient reliable data to permit preparation of a meaningful and accurate report on the impact of commercial production." [Citation.] We did not frame the issue in terms of whether the public agency or the project proponent had any definite plans for action after test drilling.

(*Laurel Heights, supra,* 47 Cal.3d at p. 396.)

Accordingly, the Court continued:

> We hold that an EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.

(*Laurel Heights, supra,* 47 Cal.3d at p. 396.)

The new 220 kV lines fall within *both* of the categories identified above. The new lines clearly have a reasonably foreseeable consequence on this project, not only in terms of the environmental impact, but in the placement of the 66 kV lines. And, the future expansion of this ROW will be *significant*. The compound effect of these two new projects effectively will create a crammed "freeway" of power poles, towers and lines in what has remained a bucolic, undisturbed ROW for 40 years.

Of particular significance here, *Laurel Heights* found that future projects must be considered when the lead agency has reliable information that a future project will or could impact the current project because, "This standard is consistent with the principle that '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.' [Citation.]" (*Laurel Heights, supra*, 47 Cal.3d at p. 396.)

Indeed, SCE is doing precisely what our Supreme Court has

strongly condemned. It is breaking the project into pieces to circumvent environmental review. The Commission's dismissal of the new 220 kV lines as speculative is not based on substantial evidence and is legally erroneous.

Given that the proposed 66 kV project is a preventative measure (rather than essential to address any current shortfall), Appellants submit there would be no harm in briefly tabling it until general specifications for the new 220 kV line can be presented and the aggregate environmental impact of all the proposed facilities can be studied.

To do otherwise would allow SCE to continue its exploitation of Exemption G in its segmented approach to project development. This piecemeal tactic-which has prevailed unbridled for many years-is calculated to ensure as little regulation as possible.

SCE couches the 66 kV line as a maintenance activity, when in fact it is a brand new, freestanding transmission corridor that spans multiple jurisdictions. If SCE succeeds in cramming these new facilities within the existing corridor, it avoids the expense, delay and potential redesign that would surely result from a PTC and complying with CEQA. SCE has intentionally submitted a grossly incomplete description of its project, crafted to restrict environmental review, knowing this process has little public involvement and transparency.

Exemption G is completely inapplicable to this project. The Commission's reliance on Decision No. 97-03-058 to justify this exemption is misplaced. There is no legal basis for exempting this project from the PTC requirements and CEQA review.

V.

FINDING NO EXCEPTION TO EXEMPTION G WAS ERROR.

Relying on GO 131-D.III.B.(3), the Commission found there are no "unusual circumstances" to justify exception to Exemption G. This finding is not supported by substantial evidence. The Commission's decision is based on a simplistic two-dimensional "map view" of the ROW. It is an improperly narrow conception of the project that underestimates the vertical impacts and qualitative differences of blockage, reduced buffers, inadequate construction and services areas, and many other off-site impacts such as habitat, view, fire, and aesthetics.

Moreover, the charge of this Lead Agency, in regulating electrical power utilities, is to ensure that the CEQA Guidelines are observed. (55 CPUC 2d 87.) The very language of the Guidelines this Commission is charged with implementing provides that "if a lead agency is presented with a *fair argument* that a project *may* have a significant effect on the environment, the lead agency *shall* prepare an EIR, even though it may also be presented with other substantial evidence that the project will not have a significant effect." (Guidelines, § 15064, subd. (f)(1), italics added.) "After application of the principles set forth above in Section 15064(f), and in marginal cases where it is *not clear* whether there is substantial evidence that a project *may* have a significant effect on the environment, the lead agency *shall* be guided by the following principle: If there is *disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR*." (*Id*. at subd.

(g), italics added; see also *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75 [adopting fair argument standard].) The Commission has continually failed to address the indisputable fact that Appellants have presented a "fair argument" that this project "may" have a significant effect on the environment.

GO 131-D, Section III, Subsection B.2 specifies that Exemption G shall not apply "when any of the conditions specified in CEQA Guidelines, §15300.2 exist." Section 15300.2 outlines these conditions as (in pertinent part):

> (a) Location. . . . [A] project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. . . .
>
> (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
>
> (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
>
> * * *
>
> (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Appellants will address each condition in seriatim.

A. Exemption G is Not Applicable Because the Project Is Located in a Particularly Sensitive Environment.

Appellants have repeatedly raised the issue of the sensitive setting of the proposed project.

1. Sensitive Habitat, Endangered Species and Riparian Resources.

The Commission erred in failing to address the impact of construction, long-term operation and maintenance on sensitive habitats, protected species and riparian resources. Ancient native chaparral cloaks the hillside in the north-south run of the project. The project crosses a number of riparian resources.

Sensitive plants – i.e., Lyon's Pentacheata and Conejo Dudleya-are known to exist in the project area, as well as protected avian species – i.e., the Least Bells vireo and California gnatcatcher. (See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 [Endangered species observed in the project area p.13].) Yet, E-4243 fails to address the potential negative impact of habit loss, physical "take" of species and the impairment of species recovery.

Instead, the Commission accepted without question SCE's assertions that focus studies failed to detect any Lyon's Pentacheata, Conejo Dudleya or California gnatcatchers in the area. (Curiously, there is no mention of the Least Bells vireo in E-4243, which by inference must be presumed to exist.) Even assuming SCE's assertions to be accurate as of the day they allegedly investigated, the project has the potential of significantly impacting all three species because of the resultant loss of habitat. Conducive habitat has independent value as its loss impacts the recovery of the species.

Further, this project crosses numerous riparian resources. E-4243 is completely silent on this issue. No jurisdictional delineations were included in the project description or noted in the Advice Letter. Any impact to riparian resources is considered significant and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation is mandated for impacts to jurisdictional waters.

This project will result in a disturbance and loss of habitat. It will thereby endanger animal and plant species known to exist in the area. It will also jeopardize riparian resources in its path. The Commission's reliance on SCE to self-police the protection of the environment is tantamount to the watchdog counting on the fox to protect the henhouse.

2. Brush Fires and Earthquakes.

Southern California is a uniquely sensitive environment due to its propensity for two phenomena-earthquakes and wind-driven brush fires. In particular, SCE's project traverses both dense ancient native brush and the *active* Simi-Santa Rosa Fault. Because these propensities are "common," the Commission determined they were not "unusual." Further, the Commission shifted the onus on Appellants to demonstrate that this project presented a "unique risk of fire, as compared to other power lines." This statement misses the "sensitive environment" exception completely. Additionally, the increased number of lines, the proximity of existing conductors to proposed conductors, and the project's closer proximity to homes, per se heighten the statistical probability of electrical ignitions.

The ROW traverses an extremely fire-sensitive rural residential region. At least four of Southern California's most catastrophic fires were caused by downed power lines in the recent past. (Los Angeles Times, Section A, 10/18/08.) EARSI's letter to the Commission, dated 3/25/10, inventoried five catastrophic fires caused by downed lines in 2007 and 2008. The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. SCE's 66 kV project moves this ignition source within 60 feet of our extremely fire-sensitive residential communities, when a 2-mile wide greenbelt lies to the west.

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. By granting SCE Exemption G, the Commission effectively surrendered its ability to require and enforce site-specific geological surveys to identify geological hazards, including areas of slope instability, landslides, expansive soils, or areas of tectonic activity. To Appellants' knowledge, SCE has never so much as collected a sample for carbon dating to determine if it is safe to undertake construction in this area. The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

B. Exemption G Is Not Applicable Because of the Project's Cumulative Impact.

Under CEQA, cumulative impacts of regulated utilities in existing facilities can no longer simply be dismissed as *de minimus*. (*Communities for a Better Environment v. CA Resources Agency* (2002) Cal.App. 4th 98). Any impacts can be significant in certain circumstances if the project or affected areas are large enough. *This project is enormous.* As described, it includes 84 new poles and spans 9 miles, 3 jurisdictions, and 4 distinct regions (described in its 4 enumerated "Sections"). The cumulative impact of this subtransmission line within the existing transmission ROW is significant and mandates environmental review.

To compound its enormity, its impact will be amplified by the addition of the planned third line of 220 kV towers-which completely alters the scope and impact of the proposed project, and demands deeper scrutiny into the ROW as an aggregate. CEQA Guidelines, §15300.2(c) specifies that all exemptions are inapplicable when "the cumulative impact of successive projects of the same type in the same place, over time is significant." The enhanced impact of the two new facilities when combined with the existing 220 kV tower lines is monumental. Despite CEQA mandates, the Commission is allowing SCE to escape regulation on the first phase of this enhancement.

E-4243 glosses over the pendency of the future 220 kV line, claiming it is too speculative to have its compound effect considered. By definition it is not speculative. SCE's future plans have a direct impact on the location of the 66 kV lines currently under consideration. The fact that SCE relies on the addition of more 220 kV lines in this ROW as the basis for not relocating these 66 kV lines

to the west side of the existing 220 kV lines catapults the project out of the realm of speculation and into the category of a "probable future project," within the meaning of CEQA.

By portraying the planned *third* 220 kV line as "unspecified and uncertain" future development, the Commission shirks its responsibility as the Lead Agency for CEQA. This new 220 kV line is not "speculative." It is real enough and far enough along in the planning that SCE representatives speak of it as a certainty. It is also the stated reason for not modifying the project's location to the west side of the ROW. The planned *third* 220 kV line's origin, destination, location, and capacity are already known and have been brought to the Commission's attention. Thus, its specifications are concrete enough to allow its aggregate impact to be studied in connection with the 66 kV and existing 220 kV lines. Moreover, the 66 kV line, future 220 kV line and the Presidential Substation line all appear to be connected to a common grid and should be addressed as a single environmental study.

1. EMF.

Appellants have raised, time and again, the issue of the aggregate electromagnetic field (hereinafter "EMF") created by the addition of this project. This issue has been summarily dismissed by the Commission, citing the action plan established in Commission Decision 93-11-013 (requiring only "no-cost and low-cost" measures be utilized). As noted by the ALJ in 55 CPUC 2d 87, this was intended as only an "interim measure." (*Id*. at p. 32 of 50.) The Commission was studying EMF and preparing to issue more specific guidelines. The fact that the Commission has not promulgated any guidelines in the

intervening 17 years, does not diminish the potential significant impact of EMF, or the necessity for environmental review.

2. Climate Change and AB 32.

Appellants contend that the project will contribute a cumulatively significant global warming impact (i.e., climate change). This contribution to global warming is recognized as "significant" in the language in the AB 32, The Global Warming Solutions Act of 2006. CEQA was amended 3/18/10 to provide implementation guidelines to lead agencies. These Guidelines require a project's incremental effect on climate change to be addressed in CEQA documents. New CEQA Guidelines, §15064(h)(1) provides:

> When assessing whether a cumulative effect requires an EIR, the lead agency *shall* consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant *when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.*

As noted, the existing 220 kV lines were never subject to CEQA review and the addition of another set of 220 kV lines in the same ROW is a probable future project about which this Commission has notice. The California Global Warming Solutions Act of 2006 (hereinafter "AB 32") makes it clear that any new project that generates greenhouse gases (during construction and/or operation)

will contribute incrementally to climate change and, since climate change is a significant environmental problem, such incremental contribution must be considered a significant cumulative impact.

The need to address and publicly disclose all impacts on the environment is inherent in CEQA. Both the Commission and SCE knew of the pendency of new CEQA Guidelines at least as far back as the "Notice of Proposed Action" dated 7/3/09. Yet, citing climate change as "too controversial," the Commission shirked its Lead Agency responsibilities and granted this project exemption from environmental review despite this knowledge. The Commission's approval of E-4243 on 3/11/10 is in direct contradiction to AB 32 (passed just one week later), §15064(h)(1) and now-current Commission practices.

In E-4243, the Commission finds, in direct contravention of the 2006 legislation, that projects which generate "incremental contributions to climate change are not a valid reason to require application of the Exception Criteria." This flies in the face of the law. Such action was taken with full knowledge of the new CEQA Guidelines. The timing of approval may be seen as an effort to skirt the protection of AB 32. Such "side door" actions by Lead Agencies will significantly hinder and delay California's ability to meet the reduction targets of AB 32.

In summary, appellants have continuously maintained that the addition of the 66 kV line would overburden the existing 220 kV ROW. The compound effect of the future 220 kV makes that

overburdening all the more apparent. Finding no significant cumulative impact is legal error.

C. Exemption G Is Not Applicable Because of Unusual Circumstances.

1. Multiple Expansion Projects in a Row Designed for One.

The combination of a 66 kV line with two 220 kV lines-in a corridor designed for only the original 220 kV project-presents an "unusual circumstance." The existing utility corridor was not designed in anticipation of multiple expansion projects. No environmental study ever contemplated the original, no less additional projects.

The County relied on the 100' buffers to the east and west of the circa-1970 towers in planning for development of the residential neighborhoods of Santa Rosa Valley and Moorpark Acres. Reliance on the buffers also impacted the County's establishing setbacks for dwellings on the encumbered properties.

2. Placement in An "Undisturbed" ROW.

Because of the relatively narrow width of the ROW, plus its approximate 4-mile path through undisturbed virgin lands within public viewsheds, the visual impact of overburdening it with the proposed expansions will be substantially greater than if this same 66 kV (and future 220 kV) project were located in a much wider corridor in a disturbed urban area. The ROW is visible from public viewsheds, including public roads, parks and open space. The construction of additional power lines and poles will result in a significant increase in the ROW's adverse impact to scenic vistas, the area's visual character and quality.

3. Impact on Property Values.

Santa Rosa Valley is a community of custom million dollar homes. Many of the affected homes have ocean views that will be degraded by the 66 kV line, and future 220 kV project. Some of the proposed poles will literally abut backyards. The addition of poles and lines will have a significant impact by degrading views and the existing visual character and quality of the sites and surroundings.

E-4243 endorses that "no systematic measure of property value impact resulting from proximity to electric facility has been established." But that does not negate the significant negative impact proximity creates. And the Commission's assertion that "an accepted methodology for assessing property value impact . . . has yet to be established" is no justification for avoiding analysis.

This ROW is not an environmental wasteland, so ravaged by electrical transmission lines that further significant impacts are impossible and need not be studied, or devaluations assessed. Because the ROW has remained untouched for 40 years, natural vegetative visual mitigation has grown into place, softening its impact. Disruption of this otherwise undisturbed ROW will indeed substantially impact the quality of the site. To characterize the 9-mile project as a "small incremental aesthetic change" is fallacy.

Public Utilities Code, §1002 gives special consideration to community values, recreation and park areas, historical and aesthetic values, and the influence of a project on the environment. The County objected to the Advice Letter on the basis of land use issues pursuant to GO 131-D, Section XIV, B. A major reason for this objection was the placement of proposed power lines too close to existing residences.

E-4243 erred in finding no significant aesthetic or property value concerns to support Exception Criteria.

D. Exemption G Is Not Applicable Because of the Project's Potential and Substantial Impact on Historical Resources.

Appellants have raised the issue of the vast Chumash archeological resources discovered in and around the ROW when Hill Canyon sewage treatment plant was being developed a few years ago. Construction was halted and altered by the discovery of a Native American burial ground. The proposed project climbs out of the valley and into Newbury Park via Hill Canyon.

This exception was raised at the public hearing and again in a letters to the Commission. It is not mentioned in E-4243. Not granting this exception constitutes error.

VI.

THE COMMISSION ERRED IN FAILING TO REQUIRE PROOF OF THE ROW.

Appellants raised the issue that the project exceeded the scope of the ROW, both at the 9/18/09 public hearing, and again in letters to the Commision. Yet, neither SCE nor the Commission's Energy Division has ever addressed this issue. It is not even mentioned in E-4243's discussion of the public hearing. This documentation of the ROW (in deeds, easements and condemnation orders) is part of the information SCE agreed to provide the County at the 2/19/10 meeting. However, it has still failed to do so.

Days before the 9/18/09 public hearing, Appellants had an opportunity to view the 11/2/70 Condemnation Order that created parts of the ROW in question. The ROW and resultant 220 kV tower

lines were developed nearly 40 years ago. By its terms, that order contemplated "electrical transmission lines consisting of lines of metal towers" with appurtenances. The "TSPs" SCE proposes to use are not the same as "towers" contemplated by that order, as the 10/2/08 Advice Letter itself differentiates between the two. There is the added disparity between "transmission" lines-as specified in the order-and the "subtransmission" line SCE proposes to construct. Thus, by its own terms, the project description exceeds the rights granted in the condemnation order.

Additionally, the 11/2/70 order clearly contemplated a fixed design. It specified landowners would retain the rights to install farm fencing, roads, pipelines, ditches, power and telephone poles, and even buildings (where not prohibited by SCE) so long as such were placed "*more than 50 feet from any metal tower footing*." If that order had intended to convey to SCE the right to expand and add tower and pole footings, the setback clause would be without practical meaning. Landowners would be required to remove structures that had been built in the last 39 years. Judges are not known to be so frivolous in their wording.

There is evidence that SCE itself considered the "footprint" of its facilities within the ROW to be fixed. For 38 years after the construction of the 220 kV line, SCE effectively allowed the ROW to go fallow, to nature and to property owners. For 38 years, SCE did nothing to further develop the ROW. Its maintenance visits were minimal to nonexistent. Crops were planted, barns and outbuildings built, fences erected, nurseries established-all in the shadow of the

220 kV lines. The agricultural land and open space contained within the ROW were left otherwise undisturbed.

In the meantime, the County relied upon the buffer established by the ROW. That is, roughly 100 feet on either side of the tower sets remained vacant of any SCE facilities. This buffer, believed to be intentional, allowed the County's General Plan to provide for residential development of land adjacent to the ROW's undeveloped east flank. As a result, adjacent communities of Santa Rosa Valley and Moorpark's Home Acres were built in the late 1970's and 1980's. The County also relied upon that buffer on the ROW's west flank when establishing the necessary setback for residential structures on the encumbered parcels.

Now, SCE seeks to expand its rights. But the wording of the condemnation order is clear-the judge contemplated a static footprint design for the transmission project.

Interestingly, several weeks before the Advice Letter was "posted," SCE crews began scrambling to identify "encroachments." There were many. SCE began its orchestrated campaign to strong-arm encumbered landowners into signing "acquiescence" letters. These letters falsely confirm that landowners knew all along SCE merely had "temporarily tolerated" their "encroachments," some of which had been in place for decades. [SCE even forced a lessee nursery out of the leasehold property abutting Santa Rosa Road.] SCE efforts were aggressive, perhaps to avoid the discovery that those landowners had effectively acquired prescriptive easements over areas affected by their unchallenged "encroachments."

As a general matter, the Commission has extensive, wide-ranging jurisdiction over utility matters within the State. While the Commission does not determine the scope of ROWs and easements, the Commission does need to be certain that a public utility actually has the appropriate property rights to the land underlying or otherwise impacted by the project. Executive Director, Paul Clanon, has acknowledged this in other resolutions. The California court have ruled firmly against materially increasing the burden of an easement upon the servient tenement. (See *Red Mountain LLC v. Fallbrook Public Utility District* (2006) 143 Cal.App. 4th 333; *Wall v. Rudolph* (1961) 98 Cal. App. 2d 684.)

Resolution E-4243 is flawed in its failure to address the issue as to whether SCE's project exceeds the scope of its easement rights. The Commission should have insisted that SCE provide definitive evidence that its property rights are sufficient. This is not an issue the Executive Director should have glossed over. Hence, E-4243 is materially deficient.

VII.

CIRCUMSTANCES HAVE CHANGED SINCE THE ASSESSMENT OF "NEED"; OUTDATED DATA CANNOT PROVIDE SUBSTANTIAL EVIDENCE OF CURRENT NEED.

Appellants raised the issue of need. SCE confirmed the project was based a on need assessment made in 2005, five years ago. The project is designed to address "heat storm peak overloading." It presented no evidence that blackouts or brownouts had ever occurred on the existing subtransmission line. Appellants asserted that the

bursting of the housing balloon, incentivized alternative energy programs, and other conditions, particularly the economic downturn, may have changed the "need" projected back in 2005.

Without requiring any substantiation from SCE, the Commission shifts the burden to the public to rebut the asserted need with evidence to the contrary. This is an impossible burden since SCE holds a monopoly over the data and the pubic has demonstrated that SCE routinely refuses to provide the public with information. We contend that the Commission, acting on the public's behalf, should compel the production of the evidence, as it is necessary to an informed decision of the matter.

VIII.

REMOVAL OF A HERITAGE TREE UNDERSCORES NEED FOR AN EIR.

Appellants raised the issue that the project will require the removal of a "Heritage Tree" (protected by the Ventura County Tree Protection Ordinance). This tree has a 12-½ foot trunk girth and is nearly 100 feet tall. It hosts a mating pair of corvids. As part of the vegetative mitigation that has grown up in and around the ROW in the past 40 years, this tree visually softens the "industrial" impact of the existing transmission facilities. There may be a number of such protected trees doomed by this proposal.

IX.

REQUEST FOR ORAL ARGUMENT

Pursuant to Rule of Practice & Procedure, rule 16.3, Appellants hereby request oral argument. Oral argument will materially assist the Commission in resolving the application, and will further

demonstrate that Appellants raise issues of major significance for the Commission. The challenged resolution: (1) presents legal issues of exceptional controversy, complexity, and/or public importance; and/or (2) it raises questions of first impression that are likely to have significant precedential impact.

A. Exemption G Loophole must Be Closed Consistent With CEQA.

The interpretation given Exemption G by SCE and Commission staff effectively negates the rationale for the PTC under GO 131-D by extending exemption to all 50-200 kV projects within existing easements or facilities, despite no prior environmental review. This erroneous, but consistently-applied interpretation of Exemption G effectively extends the anachronistic CEQA loophole of the old 131-C. The promulgation of GO 131-D was intended to close this loophole, but the Commission's interpretation has re-opened it. Oral argument is needed to close this loophole for good.

B. Clarification of a Utility's Consultation Mandate Under GO 131-D, Section XIV.B Is Necessary.

For Section XIV.B to have teeth, utility consultation with public agencies must occur before plans are drawn and projects sited. Allowing SCE to shirk this mandate is a departure from Commission precedent as set forth in the General Orders.

C. Clarification of the Threshold for Requiring an EIR Under CEQA, Guidelines § 15064, Subd. (f)(1) Is Necessary.

Environmental review is mandated even in the "marginal cases" when it is shown a project may have significant impact. The Commission refusal to require an EIR given the issue raised by Appellants' uncontroverted expert evidence is a departure from §

15064, subd. (f)(1). The Commission's application of § 15064, subd. (f)(1), in conjunction with § 15300.2, needs to be brought into line with the letter of the law.

D. The Commission's Position Regarding EMF must Be Modernized with Specific New Guidelines.

The currently "no-cost and low-cost" mitigation measure for EMFs was intended as only interim, pending the Commission's study 17 years ago. New mitigation measures and standards for review must be promulgated in view of current scientific understanding.

E. The Commission's Procedure in the Wake of AB 32 and Guideline § 15064(h)(1) must Be Standardized.

Greenhouse gases and global warming are vital issues of great complexity and importance. Commission practice must be brought into line with the new legislation. This is a case of first impression. The application of these laws by the Lead Agency is of vital public importance.

F. The Commission Must Require Proof of SCE's Asserted Rights of Way Consistent with California Case Law.

Given that California courts frown upon material expansion of an easement's burden upon the servient property, and given that Appellants have raised the issues of overburdening the ROW and exceeding the rights of way granted to SCE, the Commission must require SCE to "prove up" its asserted property rights as well as that such contemplated the expansion proposed the 66 kV line and planned third 220 kV line.

X.

CONCLUSION

Predicated on the foregoing, appellants respectfully requests that this application for rehearing be granted.

Dated: April 13, 2010

Respectfully Submitted By,

Appellants Alan and Peggy Ludington; Danalynn Pritz, and David J. Tanner,

By: _____
Danalynn Pritz, For and On Behalf of Appellants.

ATTACHMENT "A"

>>>>>>>>
From: "Brown, Carol A." <carol.brown@cpuc.ca.gov>
To: Damon Wing <Damon.Wing@ventura.org>
Sent: 2/24/2101 9:05:34 AM
Subject: Re: Moorpark-Newbury Line/CPUC hearing

The matter was already held - until there is a resolution the Commission will not vote on the matter. Now - I know it is frustrating for you, but the matter will stay on the agenda until it is either voted on - or withdrawn. As a member of the public, you can not tell if the matter is held or not. But - because I am following the matter, as is the Commission's Energy Division, we know the matter is still being negotiated and we held it.

-----Original Message-----
From: Damon Wing [mailto:Damon.Wing@ventura.org]
Sent: Tuesday, February 23, 2010 9:28 PM
To: Brown, Carol A.
Subject: Re: Moorpark-Newbury Line/CPUC hearing

Dear Ms. Brown,

There was a very productive meeting with SCE and residents on Friday. SCE has just a couple more pieces of information to provide. Would it be possible to hold the item from the CPUC schedule for two more weeks? We hope to have received all requested information by then.

Thank you,
Damon Wing
Aide to Ventura County Supervisor Linda Parks
(805) 654-3128

-----Original Message-----
From: "Brown, Carol A." <carol.brown@cpuc.ca.gov>
To: Damon Wing <Damon.Wing@ventura.org>

Sent: 2/17/2010 12:38:12 PM
Subject: Re: Moorpark-Newbury Line/CPUC hearing

It stays scheduled (almost permanently) once it is on the agenda. We have held it on a 1 or 2 meeting hold since the fall and we will continue to hold it until we feel the issue has been addressed. So - no need to be concerned about the fact it shows up on the agenda

---

From: Damon Wing

To: Brown, Carol A.
Sent: Wed Feb 17 11:52:33 2010
Subject: Re: Moorpark-Newbury Line/CPUC hearing

We'll be meeting with them this Friday. I see it's scheduled for the February 25th CPUC hearing, agenda item #46.

Best,
Damon

>>>
From: "Brown, Carol A." <carol.brown@cpuc.ca.gov>
To: <Damon.Wing@ventura.org>
Date: 2/13/2010 6:03 PM
Subject: Re: Moorpark-Newbury Line/CPUC hearing

No. There has been no request to have the matter heard. Hope the information exchange goes well
Carol

From: Damon Wing
To: Brown, Carol A.
Sent: Fri Feb 12 10:16:16 2010
Subject: RE: Moorpark-Newbury Line/CPUC hearing

Dear Ms. Brown,

Supervisor Parks will be meeting with representatives from SCE probably at the end of next week. SCE has indicated that they have responses to various questions and issues raised at the last meeting. Has the CPUC heard from them yet regarding putting this item back on the agenda?

Thank you,
Damon Wing
Aide to Supervisor Linda Parks
(805) 654-3128

>>>

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Date of Issuance
November 10, 2011

Decision 11-11-019 November 10, 2011

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application for Rehearing of Energy Division Resolution E-4243.	A.10-04-020 (Filed April 14, 2010)

ORDER GRANTING REHEARING AND VACATING RESOLUTION E-4243

This order grants the application for rehearing of Resolution (Res.) E-4243 filed by Alan and Peggy Ludington, Danalynn Pritz, and David J. Tanner (Ludington Parties). Res. E-4243 found that the 66 kilovolt (kV) "Moorpark-Newberry Line" proposed by Southern California Edison Company (SCE) was exempt from the requirements of General Order (G.O.) 131-D.

I. SUMMARY AND INTRODUCTION

We have carefully reviewed the allegations contained in the rehearing application. As a result of this review, we have become concerned that the informal nature of this proceeding may have prevented an adequate record from being developed. As discussed in detail below, some of the material we relied upon to make findings in Res. E-4243 was obtained informally from only one party, or was the result of independent research. We would prefer to have all the parties review this information, and offer us their views, before we rely on it to make findings.

In addition, SCE filed a response to the rehearing application (Rehearing Response) suggesting that we rule on several issues that we did not address in Res. E-4243. To resolve these issues, SCE asks us to rely on new factual information that is presented for the first time in its Rehearing Response. We wish to consider this

information in the context of a rehearing. We are reluctant to address these issues in an order responding to a rehearing application, or to address issues that—at this point in the proceedings—would require us to rely on information that was not previously provided to us or to the parties. Finally, rehearing will be granted because Res. E-4243 does not address certain material issues. After reviewing the scope of those issues, we have determined that they should be considered as part of a rehearing.

This order also establishes how proceedings will be conducted on rehearing. As explained below, we are of the view that the informal methods of gathering information used in the advice letter proceeding we conducted may have interfered with the proper development of a record. In addition, informal advice letter procedures were unable to ensure that the parties brought a definite set of issues to us for resolution. For example, we note that the rehearing application, the response, and subsequent pleadings ask us to address new claims that are presented for the first time in those pleadings—and to do so by relying on new factual material.

Because of these and other specific circumstances, we find that a rehearing should be conducted as an application proceeding, not as an advice letter. This decision reflects our view that a formal approach to developing the record should now be taken. Because we wish to use formal mechanisms to develop a record before making any decisions about the Moorpark-Newberry Line, this order does not consider the applicability of G.O. 131-D to that power line. We also base the decision to proceed via an application proceeding on our need for the parties to frame a definitive set of issues for us to consider. We expect that the more structured approach provided by an application proceeding to achieve that result. So that the rehearing can be conducted expeditiously, this order briefly lists some matters that have likely been resolved, rendered moot, or otherwise are no longer at issue in this proceeding.

II. BACKGROUND

This proceeding was initiated when SCE filed (AL) 2272-E. That advice letter gave notice that SCE planned to build the Moorpark-Newberry Line in Ventura County (County). The advice letter was protested by local governments and local area

residents. Over a period of approximately two years we conducted the proceedings that led to the adoption of Res. E-4243. Those events are described in pertinent part below.

A. SCE's Proposal and General Order 131-D's Requirements

The Moorpark-Newberry Line was designed to be nine miles long, and to operate as a "subtransmission" line, at 66 kV. As proposed by SCE, the Moorpark-Newberry Line would consist of four sections. The first section would be located within the grounds of an SCE substation. For Section 2, SCE would construct new poles and string new wire in an unoccupied portion of its "Ormond Beach-Moorpark" right-of-way. Sections 3 and 4 would exit the Ormond Beach-Moorpark right-of-way and run in other SCE rights-way. There, SCE would replace its existing facilities, and carry both the Moorpark-Newberry Line and its existing power lines on a single set of new poles.

G.O. 131-D contains a provision, known as "Exemption G," making certain subtransmission lines exempt from active regulation. To qualify for Exemption G, two conditions must be met. First, the proposed line must be "located in an existing franchise, road-widening set-back easement, or public utility easement ...." (G.O. 131-D, § III.B.1.g.) Second, the line must not meet any of G.O. 131-D's "Exception Criteria," which are triggered if the line will have certain environmental or other effects. A utility seeking to apply Exemption G must file an advice letter notifying us that it intends to apply the exemption, and give notice to local government officials and the general public. (G.O. 131-D, § XI.B.)

Any interested party may protest an advice letter giving notice that a utility intends to apply Exemption G. A local government body may also require the utility to engage in a consultation process, and may ask that we hold a hearing. (G.O. 131-D, § XIV.B.) If an advice letter is protested, the utility is given an opportunity to respond, after which the staff will conduct a review of the utility's and protestors' claims. At the end of this review, the Executive Director will issue an "Action Resolution" determining if Exemption G applies, or, instead, if the utility must make a apply for a permit to construct (PTC). (G.O. 131-D, §§ II.B, XIII.) If the utility or another party contests the

Action Resolution, we will decide the matter. (E.g., *San Diego Gas and Electric Company* (1997) [D.97-03-058] 71 Cal.P.U.C.2d 339.)

B. Procedures Leading to the Adoption of the Executive Director's Resolution

Here, SCE proposed to build the Moorpark-Newberry Line pursuant to Exemption G and filed AL 2272-E in October 2008. Many local area residents and associations, along with several local governments, filed timely protests. Most of the protestors live, or represent those who live, near Section 2. The protests discussed a wide variety of issues including: land use, the disadvantages of locating Section 2 adjacent to residential development, fire hazard, and the environmental effects of construction. SCE made a formal response the protests (Protest Response) on October 31, 2008. SCE argued that the protests failed to state a valid claim showing that Exemption G was incorrectly applied, or that the Exception Criteria had been triggered and, therefore, should be dismissed. (Protest Response at p. 2.) The Protest Response was based on several factual claims but did not contain any documentary attachments.

As is normal in advice letter proceedings, there was informal contact between staff and various parties while AL 2272-E was pending. As part of these informal contacts, SCE provided staff with documentary materials, consistent with G.O. 131-D's provision on "additional information." (See G.O. 96-B, § 7.5.1.) These materials included, at the request of staff, two biological reports that SCE summarized and relied upon in its Protest Response. SCE also provided other materials, as discussed below.

Those opposed to the Moorpark-Newberry Line also supplemented their formal submissions by making contact with Commission staff. We believe the protestors engaged mostly in procedural discussions with staff. However, in November, 2009, two

letters were received from protesting parties, rebutting SCE's Protest Response.[1] This material elaborated on the protestors' environmental claims, and argued that G.O. 131-D must be interpreted so that Exemption G only applies when certain pre-conditions are met. In addition, documentary materials, such as a CEQA document reviewing a nearby recreational facility, were provided directly to staff by protestors.

In February 2009, after certain real estate law questions were resolved, the Executive Director issued Action Resolution E-4225. That resolution determined that the Moorpark-Newberry line was exempt from the PTC requirement, and ordered the protests to be dismissed.

C. The Appeal Process and the Adoption of Res. E-4243

Action Resolution E-4225 was appealed to the full Commission on March 26, 2009 by the Ludington Parties: Alan and Peggy Ludington, Danalynn Pritz, and David J. Tanner. We do not have any record of a response to the appeal filed by SCE. The appeal remained outstanding from March 2009 to March 2010 and was handled as a further stage in the proceedings related to AL 2272-E. That is, the proceedings remained informal, and were governed by G.O. 96-B's rules for disposing of advice letters.

At the beginning of the appeal period, a draft resolution was issued for comment, on May 18, 2009 (May 18 Draft Resolution). Many of the parties who were opposed to the Moorpark-Newberry Line submitted comments on the draft resolution. There is no record of comments on this draft resolution having been submitted by SCE.

While staff was reviewing the comments on the May 18 Draft Resolution, the County requested a hearing pursuant to section XIV.B of G.O. 131-D. The County and the Ludington Parties further insisted that the hearing be held in Southern California.

---

[1] When the letters were provided to the Commission they constituted additional information. G.O. 131-D contains no provision allowing interested parties to rebut a utility's response to protests. Further, only one of these letters states that it was provided to SCE, and there is no record to show that both letters were served on all the parties. Ultimately, these letters were attached to the Ludington Parties' appeal, and served, but that event took place four months after the letters were first provided.

After coordinating with the County, the protesters, and SCE, an informal "public participation hearing" (PPH) was set for September 2009. The PPH provided "a forum for the County of Ventura ... [SCE and residents] to discuss land use matters associated with the proposed facilities." (PPH Transcript at p. 1.)

Parties raised many issues at the hearing, including questions related to the Exception Criteria. Some of the claims made at the PPH were new. For example, the Ludington Parties claimed, apparently for the first time, that historical resources were present along the route of the Moorpark-Newberry Line. (PPH Transcript at p. 30.) An SCE representative made a presentation at the hearing, which represents the only known public statement of SCE's position on the appeal.

After the PPH, SCE provided additional information to staff on topics that were raised at that hearing. SCE e-mailed to staff an analysis of the brush clearance requirements that apply to property owners who are adjacent to a right-of-way. Staff also conducted independent research. Staff verified SCE's materials relating to brush clearance and asked consultants working for the Commission on the Presidential Substation to analyze whether that that facility had "independent utility" from the Moorpark-Newberry Line. (Res. E-4243 at pp. 19-21.)

The May 18 Draft Resolution was then revised. The revisions summarized the PPH and discussed the issues on which new information had been gathered. Five new findings of fact were added to the draft resolution, relying on SCE's additional information and the independent material. The revised draft was not recirculated for additional comment. (See Cal. Code Regs., tit. 20, § 14.1, subd. (d).) Consequently, parties were not informed that we intended to consider this informally obtained material when we made determinations regarding the Moorpark-Newberry Line.

During this time, the County continued to exercise its right to consult with SCE, pursuant to G.O. 131-D. (See 131-D, § XIV.B.) Several meetings were held in January and February of 2010. These meetings were attended by County officials, representatives of the Ludington Parties and SCE. No formal record is available of those meetings, and Commission staff did not attend. However, e-mails to Commission staff

from County representatives, along with statements in SCE's and the Ludington Parties' pleadings, suggest that one point of contention was whether or not SCE would provide the County or the Ludington Parties with documents supplementing SCE's formal submissions in the AL 2272-E proceedings. (E.g., Rehearing Application at pp. 9, 49.)

While the County, SCE and the Ludington Parties engaged in the consultation process, the revised resolution appeared on the Commission's agenda for several meetings, but was held. On March 11, 2010, we took up the matter, and adopted the revised draft as Resolution E-4243.

D. The Rehearing Application, Response, and Subsequent Pleadings

The Ludington Parties timely filed an application for rehearing of Res. E-4243. Among other things, the rehearing application challenges the legality of G.O. 131-D itself, asserts that certain CEQA procedures must be followed here, alleges that we committed numerous procedural errors, and asserts that SCE's easements do not allow it to construct a 66 kV line in the Ormond Beach-Moorpark right-of-way. The rehearing application also claims that the existence of cumulative impacts, sensitive species, hazardous conditions, unusual circumstances and historical resources all trigger G.O. 131-D's Exception Criteria. In addition, the Ludington Parties claim that the procedures used to resolve the protests to AL 2272-E departed from our rules, and failed to afford the Ludington Parties due process of law. (E.g., Rehearing Application at p. 2.)

SCE's response to the rehearing application (Rehearing Response) declines to address the majority of the Ludington Parties' allegations. SCE specifically did not address any of the Ludington Parties' procedural or due process claims. (Cf. Rehearing Response at p. 3.) The Rehearing Response only contests three of the allegations made in the rehearing application: claims regarding the adequacy of SCE's rights-of-way, assertions about historical resources, and contentions that our protest procedure did not properly account for the County's land use concerns. The Protest Response quotes from and discusses two additional sets of documentary materials: (1) the condemnation orders establishing the Ormond Beach-Moorpark right-of-way, and (2) a cultural resources

survey undertaken in 2007. SCE also provided a copy of an e-mail message to support its factual claims about the consultation process.

On June 2, 2010, the Ludington Parties filed a motion seeking permission to file a third-round pleading. This proposed Reply Brief attempts to counter the points made in SCE's Rehearing Response, and to rebut the SCE's new documentary material. On June 16, 2010, SCE formally responded to this motion (Motion Response). SCE asserts that under Rule 16.1 of our Rules and Practice and Procedure parties may not file third-round pleadings in applications for rehearing. (See Cal. Code Regs., tit. 20, § 16.1) SCE also discusses the points made by the Ludington Parties in their proposed Reply Brief.

III. DISCUSSION

A. Uncirculated Material and Independent Research

As the summary of the key events shows, some of the information that we gathered describing the effects of the Moorpark-Newberry Line was not obtained as part of the formal development of the AL 2272-E record. Res. E-4243 made several findings based on these informal materials, as noted its discussion section. At page 13, the resolution acknowledges that "SCE submitted a memorandum from Bonterra Consulting" and page 19 of the resolution summarizes the informal communication between SCE and staff relating to brush clearance requirements. At page 21, the resolution states that CEQA consultants working on the Presidential Substation project conducted the analysis finding that substation to be independent from the Moorpark-Newberry Line.

Now that we have had an opportunity to review of the record for AL 2272-E, we realize that these materials were not seen, or commented on, by all of the parties to AL 2272-E at the time they were submitted or thereafter. Moreover, parties may not have known that we intended to consider these materials when we decided whether or not SCE was applying Exemption G correctly. We would prefer to circulate these materials to all parties, and to obtain feedback, before relying on them to resolve contested issues. Although staff may obtain material on an informal basis in advice letter

proceedings, our rules do not provide a mechanism under which we can rely on informally obtained information to make findings of fact without giving notice and opportunities to be heard regarding this information. (Cf. G.O. 96-B, § 7.5.1; see generally 9 Witkin, Summary of Cal. Law (10th ed. 2005) § 664, p. 1078.) Consequently, a rehearing should be held to develop the record in the manner that we prefer so that we can properly asses the potential effects of the Moorpark-Newberry Line.

Further, SCE has now asked us to consider additional factual material presented for the first time in its Rehearing Response—even though SCE also claims the Ludington Parties may not properly comment on this material. (Motion Response at p. 2.) We do not wish to resolve the disputes between SCE and the Ludington Parties by relying on this material until the Ludington Parties have had an opportunity to respond to it. The Rehearing Response, however, appears to acknowledge that we must review this material if we are to find that Exemption G applies here. We have therefore determined that rehearing should be grant if these issues are to be considered.

B. Unresolved Material Issues

We are also choosing to grant rehearing because we wish to address several issues that were not discussed in Res. E-4243. Our review of the information we have gathered regarding the Moorpark-Newberry Line suggests that these questions are material, and we wish to consider those issues before reaching any conclusions about the potential effects of the Moorpark-Newberry Line.

1. Critical or Hazardous Environmental Resources

If any of G.O. 131-D's Exception Criteria apply to a power line, Exemption G "shall not apply ...." (G.O. 131-D, § II.B.2.) The first of these Exception Criteria is triggered if:

> there is reasonable possibility that the activity may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies[.]

The Moorpark-Newberry Line will be built within two officially designated resources of hazardous or critical concern. Specifically, our review of SCE's biological reports shows that all of Section 3 (and a portion of Section 2) will be built in the United States Fish and Wildlife Service's Montclaire Ridge 2A Critical Habitat for the plant Lyon's Pentacheata (USFWS Critical Habitat). (BonTerra Consulting Report, July 18, 2008.) We have not found any formally submitted material from SCE addressing whether or not there was a possibility that the Moorpark-Newberry Line would affect sensitive plant species or their habitat. (See Protest Response at pp. 10-11 (discussing wildlife only).)

In addition, formally submitted material states that approximately 1.5 miles of the southern portion of the Moorpark-Newberry Line will pass through an officially designated "Very High Fire Hazard Severity Zone." (Protest Response at p. 8.) SCE's formally submitted material shows that where the Moorpark-Newberry Line would cross the fire hazard area the utility would renew an existing line with new facilities, and states that adding these new facilities would not increase the risk of fire. (Advice Letter 2272-E at p. 2; Protest Response at p. 9.)

G.O. 131-D plainly states that Exemption G "shall not apply" if there is a reasonable possibility that a power line may have an impact on "an environmental resource of hazardous or critical concern ...." (G.O. 131-D, § III.B.2.a.) Because such resources are present here, we believe we should consider whether there is a reasonable possibility that the Moorpark-Newberry Line will create an "impact" as part of the process of determining whether or not Exemption G applies. Res. E-4243, however, did not fully analyze this question. Res. E-4243 only considers whether or not the construction of the power line will affect individual plants, not plant habitat—even though a portion of the Moorpark-Newberry Line will be constructed within a critical habitat, and the Ludington Parties specifically advanced a "claim that the habitat of special status plants ... will be lost ...." (Res. E-4243 at pp. 13, 23 (Finding of Fact 16).) The resolution also does not analyze whether or not building the Moorpark-Newberry Line would have an impact on the designated fire hazard zone. Instead, Res. E-4243

considers fire hazards under a different exception criterion concerning unusual circumstances. (Res. E-4243 at p. 23 (Finding of Fact 13).)

Because we would prefer to undertake a more complete analysis that considers whether there is a reasonable possibility that the Moorpark-Newberry Line will affect these areas of critical or hazardous concern, we will hold a rehearing. Although there appears to be enough formal information in the current record to resolve questions regarding the fire hazard zone, we do not believe we are in a position to determine the effect of the Moorpark-Newberry Line on plant habitat.

In this context, we wish to comment on an assertion made by SCE in its Protest Response.[2] There, SCE contended that the protests to AL 2272-E could be dismissed for failure to state a valid claim because they did not "allege facts or evidence" with enough detail and specificity to conclusively prove that the Exception Criteria apply. (Compare G.O. 131-D, § XII with Protest Response at pp. 2, 5-6.) We are not certain, but it appears that the utility is asserting that a presumption applies to its claim that the Moorpark-Newberry Line falls under Exemption G, and that a proposed subtransmission line should qualify for Exemption G unless a protest makes a claim that meets a certain standard of proof.

We do not find support for this view in the general order. G.O. 131-D states plainly that Exemption G "shall not apply when any of the conditions" described in the Exception Criteria are met, without placing a burden on any party. (G.O. 131-D, § III.B.2.) The general order also provides that when a protest is filed, the Executive Director and staff will review the material provided by the protestors and the utility to make a determination about whether a PTC should be required "or the protest should be

[2] SCE asserts that each issue not discussed in the Rehearing Response was discussed in its Protest Response. (Rehearing Response at p. 3.) The Protest Response does not make any mention of plants or plant habitat, so we assume SCE continues to rely on general claims regarding the specificity of the Ludington Parties assertions to rebut the rehearing application's claims regarding plant habitat. (See Protest Response at pp. 5-6.) We note that it is not effective or proper to use incorporation by reference to present claims at the rehearing stage because, among other things, the nature of the issues often changes. (*Modifying and Denying Rehearing of D.10-12-052* [D.11-04-034] (2011) at p. 27.)

dismissed for failure to state a valid reason." (G.O. 131-D, § XIII.) The Public Advisor's office is to assist protestors, providing them with guidance on what grounds constitute a valid protest. (G.O. 131-D, § XIII.)

These provisions outline a process under which the applicability of Exemption G is to be determined by staff. When G.O. 131-D provides that a protest should be dismissed if it fails to state a valid claim, it does so in a sentence that also charges staff and the Executive Director with the responsibility of evaluating the parties' filings to make a determination about "whether" a PTC should be filed. (G.O. 131-D, § XIII.) G.O. 131-D further contemplates that protestors will be provided with guidance on how to make a valid protest. None of these provisions suggest that a utility is entitled to a presumption that Exemption G applies, or that utilities can claim an exemption as a matter of right. We have also clearly held that whether or not the Exception Criteria are triggered is to be decided by applying the general order's requirements—as written—to the facts presented, rather than by relying on "narrow" procedural considerations, such as whether the protestors meet a "burden." (*San Diego Gas and Electric Company* [D.97-03-058], *supra,* at pp. 343-343.)

As a result, it would be improper for us to find that Exemption G applies without analyzing the effect of the USFWS Critical Habitat or the Very High Fire Hazard Severity Zone on the Exception Criteria. In this particular case, we specifically reject the idea that we can find that Exemption G applies—even though our staff has obtained surveys showing that the Moorpark-Newberry Line would be built in the USFWS Critical Habitat—simply because the Ludington Parties did not independently discover the location of the USFWS Critical Habitat, and re-submit that information to us.

2. Historical Resources

The Exception Criteria are also triggered "when any of the conditions specified in CEQA Guidelines § 15300.2 exist." (G.O. 131-D, § III.B.2.) Guidelines section 15300.2, subdivision (f), states a condition that will occur if a "substantial adverse change to the significance of a historical resource" will result from an activity. The effect of Guidelines section 15300.2, subdivision (f) was raised by one of the Ludington Parties

at the PPH. (PPH Transcript, pp. 20-30.) Res. E-4243 did not discuss this issue, however.

SCE appears to concede that we must discuss historical resources if we are to lawfully conclude that Exemption G applies. The question of historical resources is one of the three issues raised in SCE's Rehearing Response, and that pleading provides additional factual material on this topic. Specifically, SCE describes surveys conducted in 2007, and makes the following factual assertions: (i) a review of archival material showed no known sites of historical interest in the right-of-way, with the Native American Heritage Commission having been consulted; and (ii) a field survey revealed only one possible archaeological site, which SCE proposes to cordon off from construction. (Rehearing Response at p. 6.) SCE does not provide a copy of its historical survey and other material, which is generally kept confidential to protect the resources in question. SCE also states that it will follow protocols during construction to avoid disturbing archaeological resources. (Rehearing Response at p. 7.)

Both the Ludington Parties and SCE claim or suggest that we should address this issue, and we agree that we should consider it. However the main factual material on this topic was provided in the Rehearing Response, with SCE opposing the Ludington Parties' request to respond to it. We wish to develop a proper record, and to carefully consider this issue based on such a record. For this reason as well, we believe rehearing should be granted.

C. Issues That Likely Will Not Need Additional Consideration

The rehearing application is over 50 pages long and contains an exhaustive critique of almost every aspect of Res. E-4243. We are granting rehearing because of the specific issues discussed above, and this grant of rehearing should not be interpreted as decision finding that the rehearing application's claims on other topics have merit. Without prejudging the results of the rehearing, we will briefly comment on a number of issues that we currently believe do not require any further consideration. At this time, these issues appear to be moot, based on clearly unmeritorious claims, or otherwise undeserving of further consideration.

1. Procedural Issues Regarding Notice, Circulation of Drafts, and the Conduct of Voting Meetings

The rehearing application claims that many of the steps taken in the AL 2272-E proceeding were improper. Our current view is that these claims are not meritorious because they are either moot, or incorrect. In the rehearing we wish to focus on the actual matter at hand, and to avoid revisiting stale grievances between the parties. We will briefly review certain claims presented in the rehearing application to prevent those issues from being re-litigated unnecessarily.

The rehearing application's claim that the public notice SCE gave when it filed AL 2272-E was inadequate is now moot. (Rehearing application at pp. 15-18.) If an inadequate notice had deprived local residents or governments of the ability to mount an effective protest, then questions about the adequacy of the notice might still be relevant. This is not the case. At this point, we believe we should focus on substantive issues, not questions about a notice given in 2008 that clearly served its purpose.

Similarly, we believe we no longer need to review claims about whether the notice of the PPH contained "improper restrictions[.]" (Rehearing Application at pp. 6-7, 14 (emphasis omitted).) That notice clearly stated that "all speakers will be able to fully express their views." (Notice of Public Hearing at p. 2.) Further, the decision to hold the PPH in September 2009 was made in direct response to requests from the County and a strongly worded communication from one of the Ludington Parties. Therefore we do not believe that the rehearing application's claims about the timing of the PPH present an issue that merits further consideration. (Cf. Rehearing Application at p. 14.)

The rehearing application also makes several claims about our agenda process and the circulation of draft Commission orders in advance of voting meetings. (Rehearing Application at pp. 8-10, 11-13.) We currently see no reason why these issues should continue to be considered on rehearing. We also wish to direct the parties to Rule 14.1, subdivision (d) of our Rules of Practice and Procedure and to the description of the hold process in our Policies and Guidelines. (See Policies and Guildeline, § 1, available on the internet at http://www.cpuc.ca.gov/PUC/documents/policiesguides.htm .) We do

not believe that the applicable rules and guidelines have the procedural effects claimed in the rehearing application, in particular that the scheduling of items at our voting meetings must be controlled by private interactions between parties to our proceedings.

2. Issues that are Outside The Scope of These Proceedings

The rehearing application claims that we must consider whether there is a need for the Moorpark-Newberry Line. This is incorrect. We do not perform a need review of power lines designed to operate between 50 and 200 kV. The PTC requirement is structured so that a regulated subtransmission line will receive only environmental review. (GO 131-D, § IX.B.) While the notice provided for a subtransmission line must describe the "purpose" of the power line, this is because the notice requirements are the same as those for over 200 kV lines, not because we will evaluate the need for such a line. (GO 131-D, § X.C.) In *Transmission Lines Not Exceeding 200 kV* [D.94-06-014] (1994) 55 Cal.P.U.C.2d 87, we specifically held that a PTC proceeding "is meant strictly for environmental review, not economic or "needs" review.' (*Id.* at p. 101.) Subtransmission lines cover short distances, do not present difficult engineering challenges and do not involve significant economic risk or impact. (*Ibid.*)

In this connection, we must comment on the Ludington Parties description of the Moorpark-Newberry Line as an "*enormous*" power line. (Rehearing Application at p. 35 (original emphasis).) The information submitted to us by SCE contains no material supporting the assertion that this power line is a significant undertaking. While the Ludington Parties assert that nine miles is a substantial length for a power line, and that a line comprising 84 utility poles is remarkable for its size, the rehearing application provides no support for these claims—and they are at odds with our understanding of the scale of SCE's electric facilities. (See Rehearing Application at p. 35.) Further, the maps and photographs provided to us in this proceeding in no way suggest that the Moorpark-Newberry Line is a significant undertaking when compared with other SCE facilities.

Similarly, rehearing application fails to support the claim that a power line is significant simply because it crosses from one suburban community to the next. Under the Ludington Parties' approach, a much longer power line, or a power line designed to

operate a much higher voltage, would be insignificant as long as it was built entirely in unincorporated areas of Ventura County, i.e, in one jurisdiction. This claim makes makes little sense. The purpose of environmental review is to consider the effects of a particular activity, not to judge it for extraneous reasons. We reject the view that the number of legal jurisdictions an activity will cross determines the scope of its impacts.

The Ludington Parties are also incorrect to assert that it was error to use G.O. 131-D's standards to determine if the Moorpark-Newberry Line should be subject to the PTC requirement. The rehearing application claims that G.O. 131-D cannot be applied as written and must be re-interpreted to augment its requirements. (Rehearing Application at pp. 20-24.) To the contrary, we have clearly held that G.O. 131-D's provisions are to be applied as written. We specifically rejected the idea that additional requirements should be developed after the fact by speculating about the general order's "spirit[.]" (Compare *San Diego Gas and Electric Company* [D.97-03-058], *supra*, at pp. 345-346 with Rehearing Application at p. 20.) Further, the claim that the general order requires re-interpretation or revision is an impermissible collateral attack on the decision that adopted G.O. 131-D. (Pub. Util. Code, § 1709; *H.B. Ranches v. Southern California Edison Co.* [D.83-04-090] (1983) 11 Cal.P.U.C.2d 400, 405.)

3. Issues That Will Not Be Relevant in an Application Proceeding

Exemption G only applies when a utility will build a subtransmission line in existing easements or rights-of-way. (G.O. 131-D, § III.B.1.g.) In this proceeding, the Ludington Parties claimed SCE did not have the right to build the Moorpark-Newberry Line in the Ormond Beach-Moorpark right of way. For example, one of the Ludington Parties claimed that the language of SCE's easements did not allow the Moorpark-Newberry Line to be placed in the Ormond Beach-Moorpark right-of-way because that language only permitted transmission towers to be constructed in the right-of-way, not the steel poles SCE proposed to use. (PPH Transcript at p. 27.) Res. E-4243, however, did not discuss the scope of SCE's easements. (Res. E-4243 at pp. 8-11.)

SCE itself appears to concede that this issue must be resolved if we are to conclude that Exemption G applies. The Rehearing Response contains a rebuttal of the

Ludington Parties' claims, and introduces new information regarding SCE's authority to build in the Ormond Beach-Moorpark right-of-way. At pages 3-4, SCE quotes an example of its easement language, which states:

> There is hereby condemned to plaintiff rights of way and easements in, on, over, along and across the real property hereinafter described as Parcel 1 to construct, reconstruct, suspend, use, operate, maintain, repair, renew, relocate, enlarge, replace and patrol, thereon and thereover, electric transmission lines consisting of lines of metal towers with the necessary foundations, crossarms, insulators, and other appurtenances...; [and] to prohibit the building or placing on said Parcel 1 of any building or structure other than farming fences . . . provided that [such facilities do not] endanger or interfere with the operation of plaintiff's aforesaid electric transmission lines; . . . .

The fact that SCE has provided this language in its response to a rehearing application re-enforces our view that it is prudent to hold a rehearing here. If we were to properly consider the effect of this language, it would be best to do so in a rehearing. This language, like other material, was not provided to us in a manner that allowed all parties to comment on it. (See Motion Response at p. 2.) Further, we believe this issue is likely too complex to be resolved by referring to a single, edited, quotation. In addition to being selective, the quoted language states that it applies only to one specific section of the right-of-way in question.

However, because we will conduct the rehearing as a formal application, we will no longer need to address questions regarding the scope of SCE's easements. The requirement that a subtransmission be constructed in an "existing franchise, road-widening setback easement, or public utility easement" need only be met if a utility seeks to apply Exemption G instead of having its proposal reviewed in an application proceeding. (Compare G. O. 131-D, § III.B.1.g with § III.B.) Since we have determined to hold an application proceeding, the question of the scope of SCE's easements will no longer be material.

We also note that the rehearing application repeatedly claims that Res. E-4243 did not correctly apply standards that are used under CEQA. We question whether the Ludington Parties' understanding of what CEQA requires is correct. We also do not believe that CEQA standards apply to activity that qualifies for a G.O. 131-D exemption, is not subject to active regulation, and therefore is not a CEQA "project." (*Transmission Lines Not Exceeding 200 kV* [D.94-06-014], *supra,* at p. 102; cf. Pub. Resources Code, § 21065.) However we do not need to address this issue on rehearing. If SCE applies for a PTC, the Moorpark-Newberry Line will be a "project" and it will be reviewed under CEQA's standards.

4. The Consultation Process

The Ludington Parties claim SCE did not comply with GO 131-D's consultation requirement. The rehearing application claims SCE's actions were insufficient because SCE did not engage in consultation before Advice Letter No. 2272-E was filed, and because the County was not able to persuade SCE to change the location of the Moorpark-Newberry Line. (Rehearing Application at pp. 18-19.) We wish to clarify the nature of G.O. 131-D's requirements to avoid further delay in this proceeding.

In Section XIV.B, General Order 131-D provides:

> This General Order clarifies that local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the Commission's jurisdiction. However, in locating such projects, the public utilities shall consult with local agencies regarding land use matters. In instances where the public utilities and local agencies are unable to resolve their differences, the Commission shall set a hearing no later than 30 days after the utility or local agency has notified the Commission of the inability to reach agreement on land use matters.

This provision requires that consultation take place—not that it takes place at any particular stage in the design process. Further, GO 131-D does not require utilities to adopt the views of local agencies regarding the location of their facilities. Section

XIV.B states that local governments "are preempted from regulating electric power line" construction, and are, instead, provided with the ability to consult with utilities and to bring matters before us at a hearing. There is no question that SCE engaged in consultation, as GO 131-D requires, and the utility claims it did so before AC 2272-E was filed. The claim that local agency concerns "must be considered, addressed and incorporated in determining a project's planned location" misstates the general order's requirements. (Cf. Rehearing Application at p. 18.)

Finally, the rehearing application's discussion of the consultation process contains negative characterizations of SCE's conduct, which it relies upon to allege error. Although SCE met three times with elected officials from the County, the rehearing application claims that these meetings were not sufficient because SCE "stonewalled" the County and employed "tactics." The rehearing application further states that SCE's position was "so ridiculous it can hardly be construed as a good faith negotiations." (Rehearing Application at p. 20.) These statements are unsubstantiated and appear to reflect little more than animus against SCE. We note that the County, which is the body to which G.O. 131-D gives a right to consult, did not file a rehearing application alleging that the consultation process was not proper. Such claims are not constructive, and have no bearing on the question of whether or not G.O. 131-D's consultation requirements have been met.

D. Rehearing Will Be a Formal Proceeding

We are granting rehearing, in large part, because the informal advice letter process was not structured enough to ensure that SCE and the Ludington Parties presented their claims and evidence in a way that allowed us to properly consider whether Exemption G applied. SCE, for its part, provided very little formal information, and we instead obtained crucial material as "additional information" that could not then be relied upon in Res. E-4243. The Ludington Parties, for their part, continually made additional and supplemental claims, in which they often raised new issues on which no record had yet been developed. Like SCE, the Ludington Parties also submitted informal "additional information" to supplement their formal filings. Because these proceedings were

conducted in this informal manner, staff were unable to consider a properly developed record or analyze a definitive set of claims.

G.O. 96-B states that when the issues raised by an advice letter appear to require more formal review, the advice letter is to be rejected without prejudice, so that the utility may file an "appropriate request for formal relief[.]" (G.O. 96-B, § 5.3.) That approach should be taken here. The appropriate request for formal relief is a PTC filing, which is designed to provide "streamlined" review of only those environmental issues that require CEQA consideration. (*Transmission Lines not Exceeding 200 kV* [D.94-06-014], *supra,* at p. 101.) If SCE applies for a PTC, it will formally provide all the information that is necessary to determine if this project should either undergo CEQA review, or be found to be exempt from that statute's requirements. (G.O. 131-D, §§ IX.B.1, IX.B.3.)

We are directing SCE to apply for a PTC if it wishes to construct the Moorpark-Newberry Line because we believe it is preferable to have SCE provide information regarding this proposed activity formally. We do not believe we are now in a position to consider whether Exemption G applies to this proposed power line, or whether CEQA review should be conducted, given the type of information we have before us. That means we are not now deciding that this power line is required to undergo CEQA review. If the material SCE formally submits, when it applies for a PTC, shows that the Moorpark-Newberry Line is exempt from CEQA, then the PTC will be granted without further review. (G.O. 131-D, § IX.B.3.) Staff will apply different criteria from the criteria used in Res. E-4243 to make that determination, but we believe this is a reasonable approach to take now that the attempt at informal resolution has been unsuccessful. (G.O. 96-B, § 5.3; see generally, G.O. 131-D, § XIV.A.)

Therefore, we will dismiss AL 2272-E without prejudice, because we find that the unique facts of this case suggest that a more formal review of both SCE's and the Ludington Parties' claims is desirable. We will vacate Res. E-4243 for the same reason. We wish to emphasize, again, that this result does not stem from any decision taken on the merits. (Cf. G.O. 96-B, § 5.3.)

IV. CONCLUSION

Because the record developed following the filing of AL 2272-E does not allow us to decide if SCE correctly applied Exemption G to the Moorpark-Newberry Line, we will grant rehearing. Rehearing should be conducted as a formal proceeding to prevent parties from making claims and presenting factual material in an ad hoc manner.

IT IS ORDERED that:

1. Rehearing of Resolution E-4243 is granted.
2. Resolution E-4243 is vacated.
3. Advice Letter 2272-E is dismissed without prejudice.
4. SCE is directed to apply for a permit to construct pursuant to G.O. 131-D if it wishes to build the power line described in Advice Letter 2272-E.
5. Any construction activity that may now be occurring should cease. Any application for a Permit to Construct that is filed shall disclose the extent of any construction that has occurred and contain an evaluation on the effect of that construction on the permitting process.
6. Any proceedings conducted to review an application by SCE for a permit to construct will be conducted in strict compliance with this Commission's Rules of Practice and Procedure, with parties directed to present their factual material and arguments clearly, concisely, and at the proper time.
7. Application 10-04-020 is closed.

This order is effective today.

Dated November 10, 2011, at San Francisco, California.

MICHAEL R. PEEVEY
President
TIMOTHY ALAN SIMON
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
MARK J. FERRON
Commissioners

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October 21, 2008

California Public Utilities Commission
Director, Energy Division
505 Van Ness Avenue, Fourth Floor
San Francisco, California 94102

Southern California Edison Company
Law Department - Exception Mail
Attn: Ms. C. Lawson
2244 Walnut Grove Avenue
Rosemead, California 91770

Re: Moorpark-Newbury 66kV Subtransmission Line
SCE Advice Letter Number 2272-E, dated October 2, 2008
Notice of Proposed Construction

Protest / Objection to Proposed Construction

Dear Sir or Madam:

Please be advised that the undersigned is a party, a consumer affected by the above-referenced project, and I am writing on behalf of myself, as well as the residents of the Santa Rosa Valley Estates, and other residents of the Santa Rosa Valley, who strongly oppose the Moorpark-Newbury 66kV Subtransmission Line, SCE Advice Letter Number 2272-E, dated October 2, 2008 (hereinafter the "project"). Individual letters from affected residents, and petitions opposing the project are enclosed herewith. Accordingly, you may construe this correspondence and the enclosed documentation as our "Protest to the Proposed Construction" of the project.

For the reasons that follow, we request a second public meeting and/or that the California Public Utilities Commission (CPUC) require the South California Edison Company (hereinafter "Edison" or the "Utility") to file a formal application that complies with the California Environmental Quality Act ("CEQA").

A. **Inadequate Notice and Opportunity to Respond. Request For Proper Notice, to Restart the Protest Period, and to a Second Public Meeting.**

Public notice of the proposed construction project was posted in residential neighborhoods on or around October 2, 2008. Attached hereto for your convenient reference is a true and correct copy of the Notice of Proposed Construction regarding this project, marked as Exhibit "A." The notice did not comply with CPUC General Order (GO) No. 131-D Section XI., subdivision C. More specifically, the notice failed to comply with GO No. 131-D, §XI., subdivisions (C)(2) and (C)(4), which require:

> 2. A concise description of the proposed construction and facilities, its purpose and its location in terms clearly understandable to the average reader; and
>
> ***
>
> 4. Instructions on obtaining or reviewing a copy of the application, including the Proponent's Environmental Assessment or available equivalent, from the utility[.]

1. GO No. 131-D, §XI, Subdivision (C)(2).

The notice was deficient because it did not contain a concise description of the proposed construction and facilities, its purpose and *its location in terms clearly understandable to the average reader.* Among its many deficiencies, the notice, which addressed construction in four different sections, failed to specify which section applied to Santa Rosa Valley residents. The notice also failed to make clear and understandable to the average reader that the placement of the new poles and power lines in section 2 (the section residents later learned applied to Santa Rosa Valley residents), would be placed *40 feet closer to residents*, and literally in the backyards of some Santa Rosa Valley Estate residents. Even as an attorney reading the posted notice, I fail to see where residents were advised of these *critical* matters. The notice does not state, with any degree of specificity, where the poles will be placed.

I have been advised by every resident to whom I have spoken that when they read the posted notice, it was so unclear and contained so much jargon, residents could not understand precisely what the project was proposing or how it would effect them. As an attorney, I concur in their conclusion.

The notice is also unclear in its description of the "Exemption from CPUC Authority." The notice states:

> Pursuant to CPUC General Order 131-D, Section III.B.1, *projects meeting specific conditions are exempt from the CPUC's requirement to file an application requesting authority to construct.* This project qualifies for the following exemption:
>
> > "g. power line facilities or substations to be located in an existing franchise, roadwidening setback easement, or public utility easement; *or* in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts."

(Italics added.)

There should at least be a detailed explanation of why the exemption applies to Edison, not just a citation to the CPUC Code section and a blanket assertion that it applies. Because the exemption set forth in GO No. 131-D, Section III.B.1(g), contains a disjunctive phrase, there is more than one way in which a utility company may qualify for the exemption. Edison has completely failed to specify which aspect of the exemption they are claiming is applicable to this project. More importantly, the notice completely fails to state what *specific conditions* Edison has met which renders them exempt from having to obtain a permit to construct. (GO No. 131-D, §III.B.)

This lack of proper notice has made it virtually impossible for the public to formulate an adequate response. The public has a right to contest whether the claimed-exemption has been incorrectly applied for by the Utility. (GO 131-D., §§XII, XIII.) However, due to the lack of adequate notice, the public cannot meaningfully respond to the Utilities' claimed exemption. Local residents require further information from the Utility to determine whether the claimed exemption applies.

Predicated on the foregoing, the notice did not comply with GO No. 131-D, §IX, subdivision (C)(2).

2. GO No. 131-D, §XI, Subdivision (C)(4).

The notice is also deficient because it fails to comply with GO No. 131-D, §IX, subdivision (C)(4). The notice did not contain any instructions on obtaining or reviewing a copy of the application, including Edison's Environmental Assessment or available equivalent. Again, this deficiency directly and significantly impacted the public's ability to meaningfully respond to the proposed construction and Edison's claim of exemption from having to obtain a permit to construct. (GO No. 131-D, §III.B.)

3. Additional Objections.

Additional objections to the notice include, but are not limited to:

a. The lack of information in the project description. For example the height of the proposed towers is omitted in section 3.

b. There is no description of the ROW (existing easements, rights-of-way) involved. The notice does not specify the widths, the neighborhoods or elevations compared to adjacent properties to evaluate impacts.

c. The notice does not contain a description of the nearby affected properties.

d. The notice does not state the justification or necessity, or a description of alternatives.

e. The description of the various ROW's, SCE facilities and adjacent jurisdictions omits the mailing list of those who received the notice.

f. The notice does not comply with CEQA requirements regarding time frames and affected agencies.

g. The notice and claimed-exemption are inadequate because Edison property is involved. The first paragraph of the notice states that the project involves "SEC fee-owned property." This is apparently not exempt under GO No. 131-D, §III.B.1.(g) if it is in a "utility corridor."

h. Requiring residents to contact Edison for the basic details, when all relevant information is generally available on the internet, is burdensome and oppressive. There should not be an Edison human fact-filter intervening between the public and the initial study and project description.

4. Request for Amended Notice and A Second Public Meeting.

The lack of proper notice has directly effected the public's ability to file a meaningful response. Because the notice was deficient, residents did not understand the true impact of the project until a community meeting was held, weeks later, on October 16, 2008. At the meeting, the adverse effects of the proposed construction became clear to residents for the first time. However, the Edison representation present at the meeting had incomplete information, and no firm plan of action for the project. The only documentation provided to attendees of the meeting was a power-point presentation that virtually mirrored the inadequate notice and did not contain any of the additional information identified herein. (See Exhibit B.) No additional documentation was provided by Edison. Thus, even after the meeting, residents still lack the information necessary to ferret out the cumulative impact under the CPUC's time frame.

Objections or protests to the project had to be filed by October 22, 2008. Thus, residents had merely *six days* from the time of the meeting until the time the protests had to be filed, to formulate a response. Six days – two of which included a weekend – is simply inadequate, by any standards, to formulate a thorough and meaningful response to such a massive project.

The CPUC should require Edison to give *proper* notice to affected residents, and, as a collateral sequella, allow the protest period to restart so residents have a *fair and meaningful* opportunity to respond. The notice should be recalled and the project suspended until the Utility complies with the notice requirements and a second public meeting is held.[1]

The foregoing notwithstanding, and to the extent possible given the utter lack of adequate notice, we hereby protest the project on the following grounds:

B. Edison Is Not Exempt Under General Order No. 131-D, Section IX.B.1(g) from Having to Obtain a Permit to Construct.

In the notice provided to local residents, Edison claims:

> Pursuant to CPUC General Order 131-D, Section III.B.1, projects meeting specific conditions are exempt from the CPUC's requirement to file an application requesting authority to construct. This project qualifies for the following exemption:
>
> > "g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; *or* in a utility corridor

[1] Based on the foregoing, we retain the right to lodge further protests or objections to the proposed project as further information becomes available. No waiver of the right to protest should be implied by our failure to list a ground for objection herein or in any of the letters submitted herewith.

> designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts."

(Emphasis added.)

As you can plainly see, GO No. 131-D, section III.B.1(g), contains a disjunctive phrase, separated with a semi-colon, which provides two different means of exemption. We do not believe Edison falls under either exemption set forth in GO No. 131-D, section III.B.1(g).

According to the notice, the proposed project is ". . . to construct [a] *new* Moorpark-Newbury 66 kilovolt (kV) *subtransmission line* . . . " GO 131-D, section III.B.1(g), does not appear to exempt "subtransmission" lines.

The first part of section III.B.1(g) states, in relevant part: "Compliance with section IX.B is not required for . . . (g) *power line facilities or substations* . . ." (Emphasis added.) Power lines are defined in GO No. 131-D, Section I, as "a line designated to operate between 50 and 200 kV." The word "facilities" is not defined in GO No. 131-D. According to Public Resources Code, section 25110, a "facility" means "any electric transmission line." According to GO No. 131-D, Section I, a "transmission line is a line designed to operate at or above 200 kilovolts (kV)." None of these terms describe or seem to apply to a "subtransmission line." In addition, since the proposed construction clearly does not involve the construction of a substation in section 2 of the proposed project, that aspect of the exemption under Section III.B.1(g) does not apply.

In addition, based on the project description, that the project involves the construction of a *"new subtransmission line,"* it seems that the project is a *new* project, subject to the requirement to obtain a permit to construct under GO No. 131-D, §III.B. A permit to construct is subject to CEQA. Therefore, a full CEQA review would be required for this new project.

At this stage, and for purposes of further review, we also object to Edison's unsubstantiated assertio n that they qualify for the second aspect of the exemption under GO No. 131-D, section III.B.1(g), which states, "in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies *for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts* ." (Italics added.)

Admittedly, Edison has not provided us with *any* documentation or information regarding a Negative Declaration (ND) or EIR. Therefore, as a preliminary matter, we hereby request that Edison be required to provide us with all documentation relevant and necessary to establishing the italicized aspect of the exemption quoted in the preceding paragraph, including, without limitation:

1) A copy of the original project, the ND and the EIR under which no significant unavoidable environmental impacts were allegedly found.

2) All documents relied upon and incorporated by reference by the final ND or EIR.

3) Any and all documents demonstrating that Edison implemented low-cost measures mitigating potential human exposure to electric and magnetic fields (EMF's) associated with power lines, *specifically* in regard to the proposed Moorpark-Newbury 66 kV Subtransmission Line Project *and* its combined effect with the existing 220kV transmission lines.

4) All documents which establish that the project complies with current regulations, including compliance with AB32, the California Global Warming Solutions Act of 2006.

This list is not intended to be exhaustive. We are requesting that Edison meet its burden of proving that the claimed-exemption indeed applies to them, and to this project. In order for a final ND, a Mitigated ND, or an EIR to be used for a subsequent project or latter phase of an initial project the proposed project must meet the requirements set forth in the California Code of Regulations, section 15162 [CEQA requirements]. Edison's mere conclusion that the project is exempt from CEQA requirements requires substantiation with citation to relevant supporting documenting. Edison has not met its burden.

C. A Formal Application Should Be Required. For Public and Environmental Reasons The Utility Should Be Required To Comply with CEQA Guidelines.

There is a reasonable possibility that the proposed project could result in individual and cumulative significant impacts on the environment. Under CEQA, cumulative impacts of regulated utilities on existing facilities can no longer simply be dismissed as "de minimis." (*Communities for a Better Environment v. CA Resources Agency* (2002) 103 Cal.App.4th 98). Any impacts can be significant in certain circumstances if the project or affected areas are large enough. This project is enormous. It includes 84 new towers, spanning 9 miles, affecting four distinct regions specified in the notice as sections one through four.

We believe it is necessary for the CPUC to require the Utility to obtain a formal permit to construct because we believe the proposed project may involve numerous CEQA violations. Given the limited information we have, we believe the following environmental factors are potentially adversely and significantly impacted by the proposed project. [2]

1. Aesthetics.

[2] More violations may be discovered after more information is provided from the Utility.

The project will be visible from public viewsheds including public road right-of-ways, public parks and public open space areas. The construction of additional power lines and poles will result in a significant increase in the already significant adverse impact to scenic vistas, the areas visual quality and character. In addition, many of the homes affected by this project have ocean views that will be adversely impacted by the addition of a new system of power lines and poles. The additional poles and lines will substantially degrade the existing visual character and/or quality of the site and quality of the surroundings. Edison is proposing to place the new power lines and poles 40 feet *closer to residents*, east of the current transmission lines, literally in the backyards of some residents. This will have a significant impact on scenic views and the existing visual character and quality of the sites and surroundings.

2. Biological Resources / Land Use and Planning / Mandatory Findings of Significance.

The project will impact native chaparral habitat. Several sensitive plant and animal species are known to occupy chaparral habitat. Harm, harassment or the taking of protected species is prohibited by State and federal laws. Loss of habitat for a protected species is considered harm or harassment. CEQA considers impact to protected species a significant environmental impact. Therefore, the project has the potential to result in potentially significant biological impacts.

Thus far, we have identified the Ludington residence (10300 East Presilla Road) in section 2 of the proposed project which will be directly impacted by loss of native chaparral which blankets the hilltop to the east of the existing tower. By locating the new power lines and poles within the 100-foot buffer that currently separates the Ludington's property from the lines, Edison will clear brush, create a fuel modification zone, and establish a long-term maintenance obligation over the hillside significantly impacting this protected habitat. With more time, we are confident more biological impacts will be added to this list.

The project will also impact one or more heritage trees. Impacts to heritage trees are protected by local ordinance. Impacts to heritage trees are considered a significant adverse impact under CEQA. There is a "Heritage Tree" at the end of Presilla Road that will be removed to accommodate the project. This tree, and others like it, are protected under the Ventura County Tree Protections Ordinance. The tree at the end of Presilla, for example, has a 12 and one-half foot trunk girth and is approximately 80 feet tall. The tree also provides a visual screening of the current transmission lines. If removed, not only will this significantly impact a historical and biological resource, this will have a further significant impact on aesthetics.

3. Geology and Soils.

The project will expose people and structures to significant health and safety impacts from known geologic conditions.

The proposed project traverses the Simi-Santa Rosa Fault zone. To our knowledge, Edison has not prepared any site specific geological surveys along the alignment of the proposed project to identify geologic hazards, including areas of slope instability, landslides, expansive soils or areas of tectonic activity. Edison has not collected any samples for carbon dating, to determine whether it is safe to build the project in this area. The fact is, the Simi-Santa Rosa fault is considered to be an *active* fault.

At the meeting on October 16, 2008, the Edison representative told local residents that there is no requirement that the Utility even structurally fortify the poles because earthquakes are considered "unpredictable." We find this assertion specious since earthquakes are a major part of the geological and soil considerations under CEQA. Edison currently plans to place approximately 34 poles in section 2, 40 feet closer to residents, and actually on some residential properties. The project has the potential to result in a significant impact to the public and local residents, including the risk of personal injury or death, if the poles and/or lines were to topple over onto public road right-or-ways, public open space areas, or residential properties.

4. Climate Change.

The project will result in an incremental but cumulatively significant impact to climate change. Global Warming is considered a significant cumulative impact. The project will generate greenhouse gases through use of fossil fuels during construction and generation of electric power. Therefore, the project will contribute incrementally to this cumulatively significant impact. CEQA requires preparation of an EIR for all projects having the potential to result in one or more significant impacts. The project's effects on climate change must be addressed. The analysis should follow the Governor's Office of Planning and Research (OPR), June 2008, Technical Advisory (http://opr.ca.gov/index.php?a=ceqa/index.html) on how lead agencies should address a project's greenhouse gas emissions on climate change in CEQA documents. The analysis should include the environmental baseline required by AB 32, identification of uniformly adopted CEQA thresholds of significance, quantification of the projects equivalent CO2 emissions, identification and discussions of alternatives to the project, and the manner in which the proposed project complies with AB 32.

Lead agencies proposing to approve projects resulting in one or more significant impacts must approve a Statement of Overriding Considerations. To approve a Statement of Overriding Considerations lead agencies are required to make a finding that all feasible mitigation measures have been incorporated into the proposed project to reduce significant environmental impacts. All feasible mitigation measures should be identified along with a discussion of other measures considered and rejected as infeasible.

5. The Cumulative Impact of the Project is Considerable and May Have Substantial Adverse Environmental Effects and Effects on Human Beings Either Directly or Indirectly (Mandatory Findings of Significance).

The CPUC has a policy of "prudent avoidance" of exposure to EMF's. (CPUC Dec. No. 06-01-042.) Doubling of the power lines will result in an increase in EMF exposure. The EMF issues are admitted by Edison, cursorily addressed, and apparently sought to be mitigated without any CEQA analysis.

This raises the following points of concern:

a. Does an exemption authorize mitigation of the exempt activities without analysis and disclosure?

b. The action is apparently based on prior CPUC EIR's that are not referenced (making it impossible to review).

c. The description of EMF effects before and after mitigation are not addressed. Edison has merely offered an after-the-fact EMF reading to affected residents which is *wholly inadequate*.

d. The claimed "minimization" of harmful EMF's is not an adequate CEQA mitigation plan. There is no indication that the mitigation measures identified reduce the environmental impact to less than significant.

e. There is no information on the method of mitigation proposed for the project. Guidelines state that power poles should be equal to or greater in height to the existing lines. Will higher poles be constructed?

6. Public Safety.

The project has the potential to result in a significant increase in fire hazards. The project will result in the construction of new electric subtransmission lines and facilities. Electric subtransmission lines and facilities are known to trigger structural and wildland fires. CEQA considers a substantial increases in fire hazards to be significant adverse impact.

Less than two weeks ago downed power lines were cited as the cause of the fire in the Porter Ranch area of Southern California. Power lines were recently cited as the cause of four of the State's last 20 worst fires. (See L.A. Times 10/18/08, Section A, page 20 [electrical lines ignited four of the States's

20 worst fires].) Quite clearly, moving the power lines 40 feet closer to residents, and onto the property of many residents, significantly increases the odds of a residential structural fire and personal injury or even death. Wildland fires have the potential to destroy sensitive plant and animal habitats, harm and/or harass endangered species, cause substantial increases in the rate of erosion and siltation impacting sensitive resources within navigable waters of the US and waters of the State. This is a very significant concern to residents because the Santa Rosa Valley experiences *very* strong winds during "Santa Ana" conditions.

Based on the foregoing, we believe the proposed project violates several provisions of CEQA. In addition to the issues listed above, the project may violate other aspects of CEQA that are simply not known due to the lack of adequate notice. Moreover, even assuming, without conceding, that Edison obtained a ND, a MND, or EIR specifically for this project, we have reason to believe that circumstances may have substantially changed since the date any ND or EIR was certified. Therefore, we are asking that the CPUC require Edison to file a formal application which complies with CEQA.

We would also point out that this project is based on an *anticipated possible* future overload of the existing 66kV lines. According to Edison, however, the existing lines have never lost power. This anticipated need for new lines was made in 2005, based on a 2003-2004 housing boom, which has now completely ceased to exist, and the project was not considered in the context of our current dire economic crisis which has all but stopped new construction in the area these new lines are intended to serve. Re-assessment of the plan may reveal that, in addition to changes in environmental circumstances and conditions, there may be a change which respect to level of need this project is intended to address. For example, compliance with AB 32 may result in clustering new development within urban areas to reduce energy demand, away from outlying rural areas such as the Santa Rosa Valley.

D. Alternatives Available to the Utility.

As a final note, I should mention that at the meeting on October 16, 2008, local residents implored Edison to explore other options. Edison, however, was apparently unwilling to consider alternatives to the proposed project. Admittedly, Edison has not considered a single alternative course of action. Residents, however, remain amenable to discussing potential solutions to our concerns.

E. Conclusion.

Construction on the project is scheduled to begin on November 17, 2008, and local residents, myself among them, have not had an adequate opportunity to investigate or respond to the proposed construction. Time is of the essence and we would appreciate your prompt response to this protest and request for a second public meeting and/or for the filing of a formal application which addresses, inter alia, the CEQA concerns held by residents of the affected areas.

As I understand the process, Edison is required to serve its response on each protestant and the Commission Advisory and Compliance Division within five business days of receipt of the protest. (GO No. 131-D, §XIIII.) We look forward to the Utility's response and to the much needed intervention from the CPUC. Thank you for your time and consideration of these very important issues.

Very truly yours,

Danalynn Pritz, for
PRITZ & ASSOCIATES

DLP:ln
Enclosures: Letter from the Santa Rosa Valley Estates Homeowners Association;
Letter from Linda Parks, County Board of Supervisors;
Letter from Don Shubert, SRV Municipal Advisory Council;
Three petition against the Project, containing 17 signatures; and
Fifty-seven letters opposing the project from concerned citizens of the Santa Rosa Valley
Originals to the CPUC, copies to SEC.

Exhibit "A"

Attachment A

NOTICE OF PROPOSED CONSTRUCTION

Moorpark-Newbury 66 kV Subtransmission Line
SCE Advice Letter Number: 2272-E
Date: October 2, 2008

Proposed Project:

Southern California Edison Company (SCE) proposes to construct the new Moorpark-Newbury 66 kilovolt (kV) subtransmission line to address a base case overload on the Moorpark tap of the existing Moorpark–Newbury-Pharmacy 66 kV subtransmission line. The new Moorpark-Newbury 66 kV subtransmission line will be constructed between SCE's Moorpark Substation, located at the northwest corner of Gabbert Road and Los Angeles Avenue in the City of Moorpark, and SCE's Newbury Substation, located at 1295 Lawrence Drive in the City of Thousand Oaks. The project, which will involve both the construction of new facilities and replacement and reconductor of existing facilities, is approximately 9 miles in length, and will traverse portions of the City of Moorpark, unincorporated areas of Ventura County, and the City of Thousand Oaks, all within existing easements, rights-of-way (ROW) and SCE fee-owned property.

Specifically, the new Moorpark-Newbury 66 kV line will be constructed as follows:

Section 1: Construction of approximately 2,000 feet of underground 66 kV line, entirely within Moorpark Substation.

- This section will extend from Position 2 in the Moorpark 66 kV bus to a new tubular steel pole (TSP) riser, up to approximately 90 feet in height, in the northeast corner of Moorpark Substation, and will be cabled with 2,000 kcmil (thousand circular mils) copper.

Section 2: Construction of 34 engineered TSPs existing in the SCE's existing Ormond Beach-Moorpark 220 kV ROW for approximately 5 miles:

- This portion of the project will extend from the Moorpark Substation east and then south to a point adjacent to SCE's existing 220 kV tower M16 T5. From this point, the new line will transition to an existing 66 kV ROW as described in #2 below.

- The new TSPs, which will be approximately 75-125 feet tall and strung will 954 aluminum conductor, steel reinforced (ACSR), will be installed adjacent to the existing 220 kV towers and the new subtransmission line will have approximately the same span lengths as the existing Ormond Beach-Moorpark 220 kV lines in the ROW.

Section 3: Replacement of 14 existing double-circuit 66 kV lattice steel towers (LSTs) with 14 double-circuit TSPs for approximately 2.5 miles on the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line.

- As noted in #1 above, this section begins where the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line crosses SCE's existing Ormond Beach-Moorpark 220 kV ROW at a point approximately 4,150 feet south of the intersection of Santa Rosa Road and Gerry Road.

- The new double-circuit TSPs, which will be approximately 75-125 feet tall, will carry both the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line and the new Moorpark-Newbury 66 kV line. Both circuits will be strung with 954 ACSR (the existing Moorpark-Newbury-Pharmacy 66 kV line currently is strung with 653.9 ACSR, but will be reconductored as part of this project to avoid conductor swing and rise conflict with the new Moorpark-Newbury 66 kV line).

Section 4: Replacement of 36 single-circuit wood poles with 36 double-circuit lightweight steel (LWS) poles for approximately 1.2 miles in existing ROW.

- This section begins at a point approximately .3 miles west of the intersection of Conejo Center Drive and Rancho Conejo Blvd and ends at Newbury Substation.

- This section will involve the transfer of the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line from existing 70-90 foot tall wood poles to new 75-95 foot tall double-circuit LWS poles carrying both the new Moorpark-Newbury 66 kV subtransmission line and the existing Moorpark-Newbury-Pharmacy 66 kV subtransmission line.

Construction of the proposed project is scheduled to begin November 17, 2008, and is expected to be completed in December 2010.

EMF Compliance: The CPUC requires utilities to employ "no cost" and "low cost" measures to reduce public exposure to electric and magnetic fields (EMF). In accordance with "EMF Design Guidelines" filed with the CPUC in compliance with CPUC Decisions 93-11-013 and 06-01-042, SCE would implement the following measure(s) for the Proposed Project:

1. Using pole heights that meet or exceed the "preferred" 66 kV design criteria as specified in SCE's EMF Design Guidelines.
2. Using a compact pole-head configuration that creates lower magnetic fields than other designs.
3. Phasing circuits to reduce the magnetic fields.

Exemption from CPUC Authority: Pursuant to CPUC General Order 131-D, Section III.B.1, projects meeting specific conditions are exempt from the CPUC's requirement to file an application requesting authority to construct. This project qualifies for the following exemption:

> "g. power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts."

Public Review Process: Persons or groups may protest the proposed construction if they believe that the utility has incorrectly applied for an exemption or believe there is reasonable possibility that the proposed project or cumulative effects or unusual circumstances associated with the project, may adversely impact the environment.

Protests must be filed by October 22, 2008 and should include the following:

1. Your name, mailing address, and daytime telephone number.
2. Reference to the SCE Advice Letter Number and Project Name Identified.
3. A clear description of the reason for the protest.

The letter should also indicate whether you believe that evidentiary hearings are necessary to resolve factual disputes. Protests for this project must be mailed within 20 calendar days to:

California Public Utilities Commission
Director, Energy Division
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102

AND

Southern California Edison Company
Law Department - Exception Mail
2244 Walnut Grove Avenue
Rosemead, CA 91770
Attention: Ms. C. Lawson

SCE must respond within five business days of receipt and serve copies of its response on each protestant and the CPUC. Within 30 days after SCE has submitted its response, the Executive Director of the CPUC will send you a copy of an Executive Resolution granting or denying the request and stating the reasons for the decision.

Assistance in Filing a Protest: For assistance in filing a protest, contact the CPUC's Public Advisor in San Francisco at (415) 703-2074 or in Los Angeles at (213) 576-7055.

Additional Project Information: To obtain further information on the proposed project, please contact:

For Moorpark:
Chris Coronel, SCE Local Public Affairs Region Manager
SCE Valencia Service Center
25625 W. Rye Canyon Road
Valencia, CA, 91355
Phone: (661) 257-8227

For Thousand Oaks and Unincorporated Ventura County Areas:
Rudy Gonzales, SCE Local Public Affairs Region Manager
SCE Thousand Oaks Service Center
3589 Foothill Drive
Thousand Oaks, CA, 91361
Phone: (805) 497-5616

Exhibit "B"

Leading the Way in Electricity℠

Moorpark-Newbury 66 Kilovolt Subtransmission Project

Santa Rosa Valley MAC Meeting
October 16, 2008

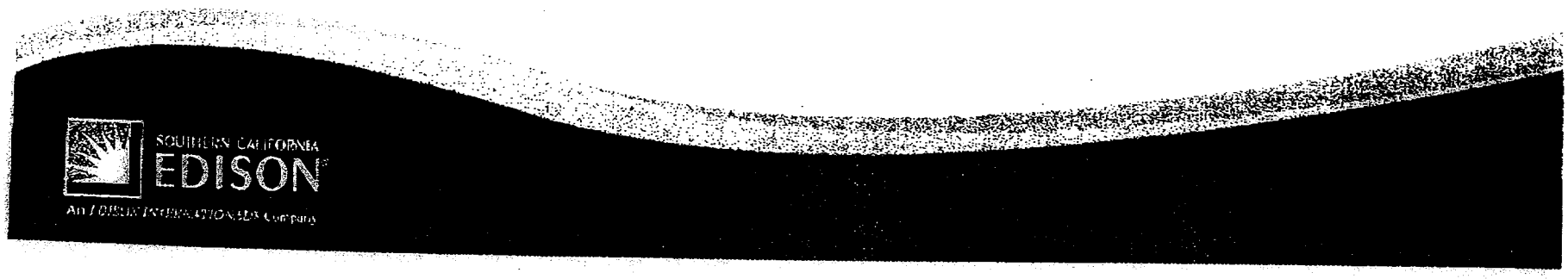
SOUTHERN CALIFORNIA EDISON®
An EDISON INTERNATIONAL® Company

Project Overview

- Southern California Edison Company (SCE) is planning to construct the Moorpark-Newbury 66 kilovolt subtransmission project to address overload conditions during peak demand on an existing 66 kilovolt subtransmission line.
- The project will involve both the construction of new facilities and the replacement of existing facilities within existing utility right-of-way.
- The project is approximately 9 miles in length.

Project Need

- SCE has a responsibility to maintain service reliability and to expand and improve its electric system infrastructure when necessary to serve its customers.
- SCE is constructing the project to increase electrical capacity to meet the area's current and anticipated electrical demand.
- The project would provide new and upgraded facilities that would help minimize the likelihood of electrical outages.
- The project would provide SCE with enhanced operational flexibility during periods of peak customer demand.



FROM :SUPPLE FAMILY FAX NO. :8054912605 Oct. 20 2008 03:05PM P2

Project Location

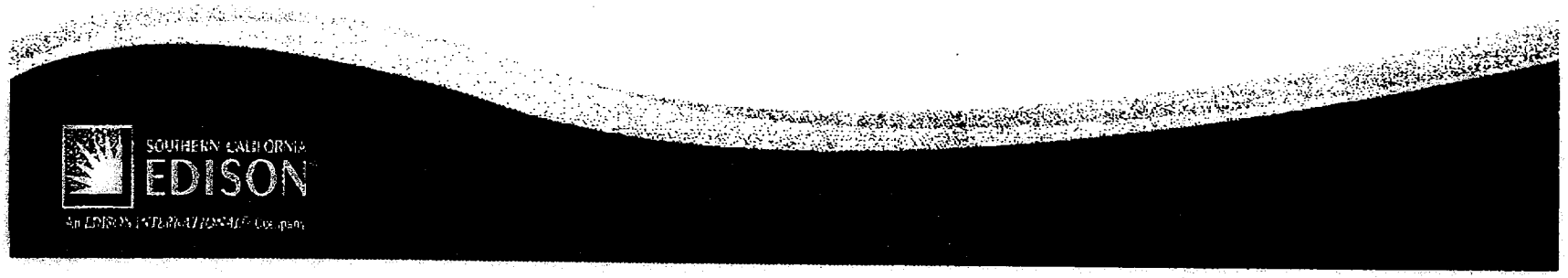
- The new Moorpark-Newbury 66 kilovolt subtransmission project will be constructed between SCE's Moorpark Substation, located in the City of Moorpark, and SCE's Newbury Park Substation, located in the City of Thousand Oaks.
- The project will run through portions of the cities of Moorpark and Thousand Oaks and unincorporated areas of Ventura County.
- The project is located within existing utility right-of-way.

Project Review and Approval Process

- The project falls within the jurisdiction of the California Public Utilities Commission (CPUC), which is the state regulatory agency that sets electricity rates and issues permits for the construction of certain electric line and substation projects.

- The CPUC's General Order 131-D, which is the CPUC's implementation of the California Environmental Quality Act (CEQA), governs the review of certain utility facility construction projects. Due to the use of existing utility right-of-way, the project is exempt from the CPUC's requirement to file an application requesting authority to construct the project (Exemption G).

- Under the exemption, SCE is required to file an Advice Letter with the CPUC notifying the agency about the proposed construction and to publicly notice the project.



FROM :SUPPLE FAMILY FAX NO. :8054912605 Oct. 20 2008 03:06PM P4

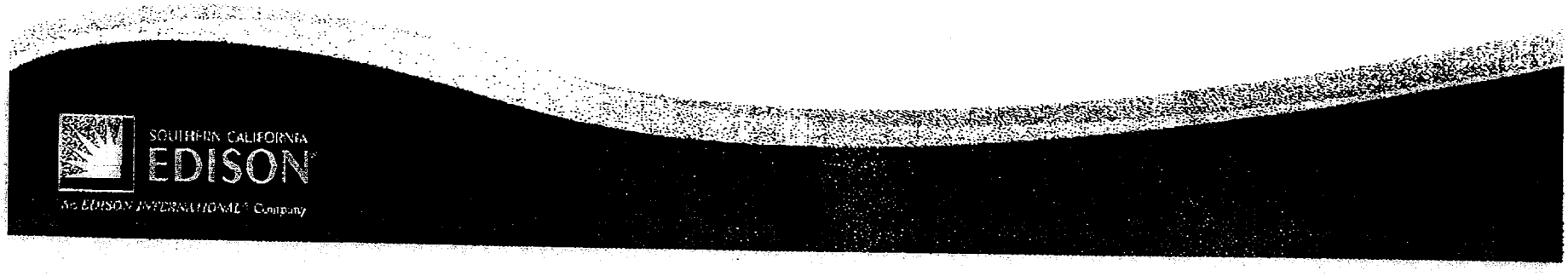
Construction

- SCE will work with local officials, residents, and businesses to minimize the impacts of this project. Specifically, SCE will:
  - Comply with all applicable state and local laws, ordinances and regulations.
  - Provide prior notification to affected property owners of construction activities, including information on street closures and other activities that could temporarily limit access for area residents.
  - Provide residents and local businesses with contact information for SCE personnel who are available to answer questions that may arise during construction.
  - Ensure the safety and security of all construction activities. Construction equipment will be removed or secured during non-working hours; open holes and potential hazards will be covered and marked.

FROM :SUPPLE FAMILY FAX NO. :8054912605 Oct. 20 2008 03:08PM P6

Electric and Magnetic Fields (EMF)

- Electric and magnetic fields (EMF) are invisible lines of force that surround any electrical device. Power lines, electrical wiring, appliances and electrical equipment all produce EMF. The strength of these fields decreases rapidly with distance from the EMF source.
- The CPUC requires SCE to utilize no-cost and low-cost measures in the design of new facilities as a precautionary-based EMF policy to reduce public exposure to EMF.
- In accordance with "EMF Design Guidelines" filed with the CPUC in compliance with CPUC Decisions 93-11-013 and 06-01-042, the following no-cost and low-cost magnetic field reduction measures will be considered for this project:
  - Using pole heights that meet or exceed the "preferred" 66 kV design criteria as specified in SCE's EMF Design Guidelines.
  - Using a compact pole-head configuration that creates lower magnetic fields than other designs.
  - Phasing circuits to reduce the magnetic fields.
- SCE can provide an EMF information package and free EMF measurements to our customers upon request. For more information, please call SCE's EMF Education Group at (800) 200-4723.



Project Timeline

- **October 2, 2008** – SCE filed Advice Letter with the CPUC.
- **Mid-November 2008** – Construction is scheduled to begin.
- **December 2010** – Project is expected to be complete.

Leading the Way in Electricity℠

Project Contact Information

For Moorpark:
Chris Coronel
Region Manager
SCE Valencia Service Center
25625 W. Rye Canyon Road
Valencia, CA, 91355
Phone: (661) 257-8227

For Thousand Oaks and Unincorporated Ventura County Areas:
Rudy Gonzales
Region Manager
SCE Thousand Oaks Service Center
3589 Foothill Drive
Thousand Oaks, CA, 91361
Phone: (805) 497-5616

LAW OFFICES OF

PRITZ & ASSOCIATES

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DANALYNN PRITZ
KURT J. PRITZ
GERALD L. MARCUS, Of Counsel

TELEPHONE: (805) 496-8336
FACSIMILE: (805) 496-8226

November 17, 2008

By Email and Overnight Delivery
e-mailed to: FLY@cpuc.ca.gov
Michael Rasauser,
CEQA / Regulatory Analysts
Case Manager

Mr. Honesto Gatchalian
Energy Division
California Public Utilities Commission
505 Van Ness Avenue, Fourth Floor
San Francisco, California 94102

Re: Moorpark-Newbury 66kV Subtransmission Line
SCE Advice Letter Number 2272-E, dated October 2, 2008
Notice of Proposed Construction

Reply / Objection to Edison's Response Letter dated 10/31/08

Dear Mr. Gatchalian:

Before the close of the period to receive protests on October 22, 2008, I, along with approximately 107 other residents of the Santa Rosa Valley, submitted a "Protest to the Proposed Construction" of the project specified above, the Moorpark-Newbury 66kV Subtransmission Line, SCE Advice Letter Number 2272-E, dated October 2, 2008 (hereinafter the "project"). On October 31, 2008, South California Edison Company (hereinafter "Edison" or the "Utility") filed its letter in response to the protests, in accordance with California Public Utilities Commission (CPUC) General Order (GO) 131-D, section XIII (the "response"). Accordingly, please construe this correspondence as my reply to Edison's response.

A. Introduction.

Edison's proposed project has created significant public controversy and raised a number of environmental issues. Edison obviously has the information at its disposal to inform the public and address the environmental concerns that have been raised by the community. However, instead of providing full disclosure, adequate notice, and showing good faith, Edison has chosen instead to constrain the flow of information, providing only enough information for *it to argue* that the protests should be dismissed and this massive project should be allowed to go forward, unchecked, and without complying with the California Environmental Quality Act ("CEQA"). Our initial protests raised significant environmental concerns and other issues which we urge the CPUC to fully address, by requiring Edison to obtain a permit to construct. When in doubt, the CPUC should err on the side of conservation, full disclosure, and protecting the environment.

The City of Thousand Oaks, the City of Moorpark, the Municipal Advisory Committee for the Santa Rosa Valley, and the Ventura County Board of Supervisors have all filed objections to the project, raising CEQA concerns and land use issues. All of these governmental bodies have asked the CPUC to require some form of CEQA review. On October 28, 2008, the Ventura County Board of Supervisors held a special session at which Supervisor Linda Parks moved to have the Board approve a letter to the CPUC requesting that it consider the environmental impact(s) of the project and that Edison consider alternatives to its proposed route, especially in the one-half mile area where they plan to run the above-ground transmission lines 40 feet closer to homes in the Santa Rosa Valley. The Board voted *unanimously* to approve the letter. The Board also invited Edison to meet with the County government and community to discuss the project, however, Edison officials declined to accept that invitation. The results of the Board of Supervisors meeting were published in the Ventura County Star newspaper along with the pointed comments from Supervisor Kathy Long to Edison representatives. She said, "Edison has been a great partner in the community, and you dropped the ball on this one. This is a significant project and you need to have communication – not just notification, but communication with the supervisors and the community." (Ventura County Star, 10/29/08, County News Section, "Board backs delay of power line project.")

Given the lack of open communication from Edison, the inadequate notice and the apparent lack of any Application filed with the CPUC for this project, the community remains at a significant disadvantage in presenting its case to the CPUC. Time constraints have also hampered the public's ability to fully and fairly respond. We ask that the CPUC take these very important factors into consideration. The public was forced to file protests in response to a wholly inadequate notice that did not provide a sufficient description of the project or explain the environmental effects of the project, or any other aspect of the project, in terms clearly understandable to the average person. (GO No. 131-D, §XI.C.2.) There were only *six days* after becoming aware of what this project potentially entailed at a public meeting, to file protests before the protestation period closed. Even now, after receiving Edison's response, the community affected still only has the partial information *Edison wants us to have*. There is not full and complete information about this project and Edison failed to address numerous key points raised in the compliant letters.

Notwithstanding these very serious deficiencies, our protests state valid grounds for the CPUC to require Edison to obtain a permit to construct and to require this project to go through the necessary CEQA review process. CEQA experts strongly assert that this project has the potential to significantly effect the environment on many different levels.

To inform my position, I have engaged the services of Mr. David J. Tanner, an Environmental and Regulatory Specialist. Mr. Tanner has prepared a preliminary report, attached hereto as Exhibit A. Mr. Tanner identifies *numerous* environmental issues demonstrating why the CPUC should not turn a blind-eye and allow Edison to rush this project through the CPUC consideration process, without requiring at least a permit to construct. This is a *massive* project and, for the reasons that follow, we do not believe that the exemption stated in GO 131-D, Section III.B.1.g ("exemption (g)") applies to avoid CEQA review.

B. Edison has incorrectly applied for an exemption under GO 131-D, section III.B.1.g.

Exemption (g) states, in its entirety, that the following is exempt from having to obtain a permit to construct:

> power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; or in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a final Negative Declaration or EIR finds no significant unavoidable environmental impacts.

Edison is claiming that this project is exempt under the foregoing provision because the project involves new construction in an existing easement, right-of-way (ROW) or SCE fee-owned property. (Response at pp. 2-3.) Edison relies on the first *portion* of the foregoing exemption, before the semi-colon, which reads, "power line facilities or substations to be located in an existing franchise, road-widening setback easement, or public utility easement; . . ." While a semi-colon can be used to separate clauses with separate subjects, for the reasons that follow, we submit that Edison's interpretation of this exemption should be rejected. To allow a new project of this magnitude to completely avoid the permitting process and environmental review, simply because the project involves the use of an existing easement, does not comport with the overall intent of GO 131-D, CEQA guidelines, or common sense. Moreover, the rules of statutory construction do not support Edison's claim of exemption.

Applying the rules of statutory construction typically utilized by a court of law, it is fundamental that in construing a statute, the purpose is to ascertain the intent of the law-making body so as to effectuate the *purpose* of the law. (*People v. Dyer* (2002) 95 Cal.App.4th 448, 452-453, citing *People v. Jefferson* (1999) 21 Cal.4th 86, 94.) A construction should comport most closely with the apparent intent of the Legislature, with a view to promoting rather than defeating the general purpose of the statute, and avoid an interpretation that

would lead to absurd consequences. (*People v. Jenkins* (1995) 10 Cal.4th 234, 246; *People v. King* (1993) 5 Cal.4th 59, 69.)

Language that appears unambiguous on its face may be shown to have a latent ambiguity; if so, a court may turn to customary rules of statutory construction or legislative history for guidance. (*Stanton v. Panish* (1980) 28 Cal.3d 107, 115.) Statutory language which seems clear when considered in isolation may in fact be ambiguous or uncertain when considered in context. (*Hale v. Southern California IPA Medical Group, Inc.* (2001) 86 Cal.App.4th 919, 924, citing *Stockton Sav. & Loan Bank v. Massanet* (1941) 18 Cal.2d 200, 207; *Quarterman v. Kefauver* (1997) 55 Cal.App.4th 1366, 1371.)

When an ambiguity exists, a statute must be interpreted in context, examining other legislation on the same or similar subjects, to ascertain the Legislature's probable intent. (*California Teachers Assn. v. Governing Bd. of Rialto Unified School Dist.* (1997) 14 Cal.4th 627, 642.) Useful insight might be gained into the intended meaning of a phrase or expression by examining use of the same or similar language in other statutes. (*Frediani v. Ota* (1963) 215 Cal.App.2d 127, 133.) These principles apply in the CEQA context. (See e.g., *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4th 1165, 1192 [construing whether the language of the exemption for an existing "facility" is ambiguous with respect to its application to a solid waste landfill, relying on other terms and provisions of the Guidelines, the environmental hazards associated with waste disposal sites and the policy of CEQA in determining that the exemption for a "facility" should not be given an expansive construction].)

We contend that exemption (g) is ambiguous. In fact, when construed in the context of the overall purpose of GO 131-D, and the policy of CEQA, it appears that the true intent of exemption (g) was to *not* allow the Utility to avoid CEQA review simply because a new project, especially one of this magnitude, is to be located on an existing easement, ROW, or fee-owned Utility property.

The purpose of GO 131-D, as modified in 1995 (Decision 95–08-038), was to be *responsive* to the requirements of CEQA (Public Resources Code, §2100 et seq.) and to the need for public notice and the opportunity for affected parties to be heard by the Commission. (See GO 131-D, §II.)

The purpose of CEQA was explained by the California Supreme Court in *Laurel Heights Improvement Assn. v. Regents of University of California* (1998) 47 Cal.3d 376, 390, this way:

> The foremost principle under CEQA is that the Legislature intended the act "to be interpreted in such manner as to afford the *fullest possible protection* to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.) *More than a decade ago, we observed that, "It is, of course, too late to argue for a grudging, miserly reading of CEQA."* (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 274.) The Legislature has emphasized that "It is the intent of the Legislature that all agencies of the state government which regulate activities . . . which are found to affect the quality of the environment, shall regulate such activities so that major consideration is given to *preventing environmental damage* . . . ." (Pub. Res. Code, § 21000, subd. (g).)

(Italics added.)

Both the purpose of GO 131-D and the policies of CEQA mitigate in favor of a restrictive reading of any claimed exemption from CEQA requirements. To construe this provision in the manner suggested by Edison would be to allow a Utility to construct new electric generating plants, or electric transmission power or distribution lines on *any* easement or property they may own without regard to *any environmental impacts the project may have*. Clearly this is not the intent of GO 131-D, and it does not further the state's goal of affording the fullest possible protection to the environment under CEQA.

Also, when the exemptions listed in GO 131-D, §III.B, are considered together, as a whole, it demonstrates that Edison's interpretation of exemption (g) must be rejected.

Exemptions B.1.a., B.1.b., B.1.c., B.1.d., and B.1.e. (the first five) involve either pre-existing facilities or very nominal changes to existing facilities in which no environmental impact would be expected. Under section B.1.a., a permit to construct is not required for older facilities, those with an in-service date occurring before January 1, 1996 (§B.1.a.). A permit to construct is not required for the mere *replacement* of *existing* power line facilities or supporting structures with *equivalent facilities or structures* (§B.1.b.) A permit to construct is not required for *minor relocation* of existing facilities up to 2,000 feet in length or the intersetting of additional support structures between *existing* support structures. (§B.1.c.) No permit to construct is required for the conversion of *existing* overhead lines to underground. (§B.1.d.) And, no permit to construct is required when placing new or additional conductors, insulators or their accessories on *supporting structures already built.* (§B.1.e.)

The next three exemptions listed in Section B.1 reference CEQA, exempting projects that have already undergone environmental review, or are categorically exempt under CEQA. (§§B.1.f., B.1.g., and B.1.h.) Exemption B.1.h., states that a project is exempt from having to obtain a permit to construct if it is statutorily or categorically exempt from having to comply with CEQA guidelines. (§B.1.h.) Exemption B.1.f. exempts, "power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (EIR or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation."

Given that exemption B.1.g., is listed within the last three exemptions which specifically address CEQA, we do not believe the semi-colon was intended to create two separate independent clauses, the first of which would exempt a utility, ipso facto, from CEQA review simply because the project is constructed on an existing easement. Edison's claim, that the part of exemption (g) prior to the semi-colon, can be read in isolation of the latter half of the sentence, ignores where the exemption was placed on the list. If it was the intent of GO 131-D section B.1.g. to exempt a Utility from having to obtain a permit to construct

merely because power line facilities or substations are to be located in an existing franchise, road-widening setback easement, or public utility easement, this aspect of the exemption would have been listed among the first five, which do not make any reference to CEQA. There would be no semi-colon and the aspect of the exemption on which Edison relies, would be standing alone as its own provision. However, that is not the case because exemption (g) does not create two separate, independent exemptions.

Exemption (g) must be read as one provision which provides an exemption for power line facilities or substations that are to be located in an existing franchise, road-widening setback easement, public utility easement or in a utility corridor . . . *for which a final Negative Declaration or EIR has found no significant unavoidable environmental impacts*. The italicized language has to modify all the clauses, before and after the semi- colon, in order for the exemption to have meaning when read as a whole. Any other construction of this exemption would lead to absurd consequences, contrary to what the Legislature intended, and would be rejected by a court of law.

Exempting the constructing of new power line facilities or substations from CEQA review simply because they are to be located in an existing franchise, road-widening setback easement, or public utility easement would lead to absurd consequences. It makes no sense that CEQA review would be required only for projects constructed in a utility corridor and not those built within an easement or Utility-owed property. The type of property on which the project is built has nothing to do with the potential environmental impact of the project. Thus, drawing the distinction the Utility urges, would result in an absurd consequence. It would allow a utility to use existing easements to inflict unrestricted and unlimited environmental damage.

With narrow exceptions, CEQA requires an EIR whenever a public agency proposes to approve or to carry out a project that may have a significant effect on the environment. (Pub. Resources Code, §§ 21100 [state agencies]; 21151 [local agencies]; Cal. Code Regs., tit. 14, §15002, subd. (f)(1).) The EIR is akin to the permit to construct required under GO 131-D, §IX.B. The Legislature has made clear that an EIR is "an informational document" and that "[t]he purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed

project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (Pub. Resources Code,§ 21061; Cal. Code Regs., tit. 14, § 15003, subds. (b)-(e).)

> The EIR is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Pub. Resources Code, § 21001, subd. (a).) The EIR is therefore "the heart of CEQA." (Guidelines, § 15003, subd. (a); *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.) An EIR is an "environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Ibid.; Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 822.) The EIR is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86; Guidelines, § 15003, subd. (d).) Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the *public will know the basis* on which its responsible officials either approve or reject environmentally significant action, and t he *public, being duly informed, can respond accordingly to action with which it disagrees.* (*People v. County of Kern* (1974) 39 Cal.App.3d 830, 842; Guidelines, § 15003, subd. (e).) The EIR process protects not only the environment but also informed self-government.

(*Laurel Heights, supra,* 47 Cal.3d at p. 392, italics added.)

With these principles in mind, it is hard to believe that Edison could avoid having to prepare an EIR, or obtain a permit to construct, merely because its construction project runs through an existing easement. Indeed, this has nothing to do with whether the project will have a *significant effect on the environment*. The principles of CEQA therefore *strongly favor* an interpretation of exemption (g) where the following language: "*for which a final Negative Declaration or EIR has found no significant unavoidable environmental impacts*" modifies all the clauses in the exemption, that is, power line facilities or substations to be located in: 1) an existing franchise, 2) road-widening setback easement, 3) public utility easement; or, 4) in a utility corridor.

When a statute is capable of more than one construction, or its provisions conflict, courts must attempt to harmonize and reconcile it in a manner which carries out the Legislature's intent and does not lead to absurd consequences. (*Wells v. Marina City Properties, Inc.* (1981) 29 Cal.3d 781, 788.) It is also well settled that any doubt about the interpretation or application of a CEQA exemption should be resolved in favor of protecting the environment. (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 946.)

Edison is proposing to construct a *new project* which entails, among other things, the construction of 84 new towers, spanning *nine miles*, affecting four distinct regions traversing two cities and an unincorporated area of Ventura County. To conclude that this massive project is exempt from having to obtain a permit to construct merely because it involves the use of an existing easement, ROW, or fee-owned property would totally subvert CEQA principles and contravene the policy of this state to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state." (Pub. Resources Code, § 21001, subd. (a).) This would be an absurd consequence.

Based on the foregoing, Edison should not be allowed to hide behind faulty punctuation, or a poorly worded clause to avoid complying with CEQA provisions. Exemption (g) does not apply to this project and therefore the Utility has incorrectly applied for an exemption. The CPUC should require Edison to obtain a Permit to Construct (GO 131-D, §IX.B., X., XI.).

C. The protests state valid claims, sufficient to require the Utility to obtain a permit to construct.

As discussed above, the community responses have raised many valid potentially significant environmental issues. More potential environmental issues are raised by CEQA expert David Tanner (see Exhibit A attached hereto, and incorporated herein by this reference). Many more CEQA issues may come to light as more information becomes available. In the interests of brevity, I will, at this juncture, defer to our CEQA expert for comment on the particular CEQA issues. I would however ask the CPUC to consider to the following additional points:

- There is controversy among the experts which, in and of itself is a ground for requiring CEQA review. (See Guidelines, § 15064(f)(1) ["if a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency *shall* prepare an EIR, even though it may also be presented with other substantial evidence that the project will not have a significant effect"]; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75 [adopting fair argument standard].)

- In its response, Edison has identified numerous environmental impacts that could be mitigated (e.g., it is "extremely likely" this project will be constructed in a high wind / high fire or earthquake fault zone (Response at p. 8); the Least Bell's vireo is not "expected" along the project route (*id.* at p. 10); tree to be removed *may qualify* as a heritage tree (*id.* at p.13); views are not *substantially changed*); thus, CEQA applies and a mitigation plan must be prepared in accordance with CEQA guidelines.

- Edison's claim that EMF exposure is not a sufficient basis for a protest appears to be disingenuous because when the Utility is required to obtain a permit to construct, part of that process will require Edison to "describe the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities[.]" (GO 131-D., §X.)

- Edison's argument that it cannot "predict future magnetic field levels or specific field reductions created by new electric facilities[,]" (Response at p. 7), actually demonstrates the *need* for a permit to construct because, among other things, it will require the Utility to weigh and consider alternative routes or locations. Also, Edison's claim that it is unable to determine what EMF levels will be emitted by this new project must be rejected because future effects *are reasonably foreseeable* and Edison *has* this information (it's just not sharing it with the public).

- Edison's reliance on *Santa Monica Chamber of Commerce v. City of Santa Monica* (2002) 101 Cal.App.4th 786, in claiming that the public must present evidence to override their claimed exemption at this stage, with the limited information available to the public, appears to be misplaced. (See Response at p. 8.)

In *Santa Monica*, the city's Chamber of Commerce filed a petition for a writ of mandate to direct the City to prepare an EIR pursuant to CEQA, after the City failed to prepare an EIR before adopting legislation that created a large, residents-only, permit-required parking district. "The first question [before the Court of Appeal was] whether or not the legislation [was] properly exempted from environmental review under CEQA, specifically, under the Class 1 exemption for existing facilities." (*Id.* at p. 793.) The court found the City exempt as a matter of law and then went on to find that there was no substantial evidence of any exception to the exemption. (*Id.* at pp. 796-798.)

According to *Santa Monica*, the *first question* here would be whether the *Utility* has properly applied for the exemption. In *Santa Monica*, the City claimed it was categorically exempt. Edison, however, is not claiming the exemption under GO 131-D, III.B.1.h. applies to this project. That section specifically exempts "projects that are statutorily or *categorically* exempt under 14 Code of California Regulations section 15000 et seq." However, even assuming for argument's sake only, that Edison is claiming a categorical exemption under California Code of Regulations, title 14, section 15301, subdivision (b), it does not apply to this project.

The Class 1 exemption provides an exemption for among other things, the operation or permitting, or *minor alteration, of existing public or private structures* or facilities, that involves *negligible or no expansion of use beyond that existing at the time of the lead agency's determination*. "The key consideration is whether the project involves negligible or no expansion of an existing use." (*Ibid.*) This massive project is anything but "negligible" and the Utility has failed to prove that this project does not involve an expansion of use beyond that existing at the time of the lead agency's determination, or that the lead agency ever made an initial determination in regard to this project. (See Mr. Tanner's correspondence, attached hereto as Exhibit A.)

Moreover, in *Santa Monica, unlike here,* the public was fully informed. An Application for the project was filed, the City deemed it complete, an initial study was conducted and it was determined that the project qualified for a Negative Declaration. Thereafter, the City posted a CEQA Notice of Exemption, informing the public of its decision. In *Santa Monica,* the City did everything right. Here, in contrast, the CPUC has not required Edison to file an Application, and no agency has prepared an initial study or the equivalent thereof, setting forth the results of analysis or testing which demonstrates whether the project will have a significant environmental impact. Therefore, if the public lacks the information on which to prove that Edison's claimed-exemption does not apply, it is only because *Edison has not provided sufficient information about this project*. The case is quite clearly in a different posture than the *Santa Monica* case.

"Our Supreme Court decided that CEQA requires preparation of an EIR 'whenever it can be fairly argued on the basis of substantial evidence that the project *may* have significant environmental impact.' " (*Banker's Hill, Hillcrest, Park West Community Preservation Group v. City of San Diego* (2006) 139 Cal.App.4th 249, 265, quoting *No Oil, supra,* 13 Cal.3d at pp. 83, 75, emphasis in original.) We have demonstrated that this project may have many significant environmental impacts. Therefore, the CPUC should require Edison to obtain a permit to construct.

D. Conclusion.

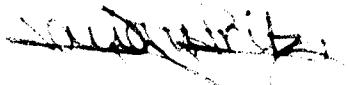
There is a tremendous amount of controversy surrounding this project. Lack of information and notice is at the heart of the controversy. Edison has not provided the public with adequate notice and, to our knowledge, no Application was filed with the CPUC regarding this project. Thus, both the public and the CPUC appear to lack the detailed information about this project required for consideration and approval.

By requiring the Utility to obtain a permit to construct, the pertinent information will be brought to light and subject to public scrutiny. The CPUC can *then* make an *informed* decision as to whether an exemption applies, or whether Edison should prepare a Negative Declaration or an EIR or otherwise follow the CEQA procedures. The CPUC must require additional information from the Utility, i.e., requiring it to file a permit to construct, before merely dismissing the many valid public protests, as Edison urges the CPUC to do.

Noncompliance with substantive requirements of CEQA or noncompliance with information disclosure provisions "which precludes relevant information from being presented to the public agency . . . may constitute prejudicial abuse of discretion within the meaning of Public Resources Code sections 21168 and 21168.5, regardless of whether a different outcome would have resulted if the public agency had complied with those provisions." (*Id.* at § 21005, subd. (a).) In other words, when an agency fails to proceed as required by CEQA, harmless error analysis is inapplicable. The failure to comply with the law subverts the purposes of CEQA if it omits material necessary to informed decisionmaking and informed public participation. Case law is clear that, in such cases, the error is prejudicial. (*Sierra Club v. State Bd. of Forestry* (1994) 7 Cal.4th 1215, 1236-1237; *County of Amador v. El Dorado County Water Agency, supra,* 76 Cal.App.4th at p. 946; *Fall River Wild Trout Foundation v. County of Shasta* (1999) 70 Cal.App.4th 482, 491-493; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 712; *East Peninsula Ed. Council, Inc. v. Palos Verdes Peninsula Unified School Dist.* (1989) 210 Cal.App.3d 155, 174; *Rural Landowners Assn. v. City Council* (1983) 143 Cal.App.3d 1013, 1021-1023.)

The public, and CEQA expert Mr. Tanner, have raised many valid points that this project may potentially have a significant impact on the environment. Therefore, the CPUC must require Edison to obtain a permit to construct. The CPUC should not dismiss the substantial community protests and allow this project to proceed uninformed in the face of inquiry, protest, and significant environmental concerns.

Very truly yours,



Danalynn Pritz, for
PRITZ & ASSOCIATES

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Exhibit "A"

November 13, 2008

Ms. Danalynn Pritz
Pritz & Associates
3625 East Thousand Oaks Blvd.
Suite 176
West Lake Village, California 91362

Subject: Moorpark – Newbury 66kV Subtransmission Line, SCE Advice Letter Number 2272-E, Dated October 2, 2008, Notice of Proposed Construction

Dear Ms. Pritz

Environmental & Regulatory Specialists, Inc. (EARSI) has reviewed SCE's (Southern California Edison) Advice letter Number 2272-E (Advice letter). The purpose of our review is determine whether the project qualifies for an exemption from the California Environmental Quality Act (CEQA) and if the California Public Utilities Commission (PUC) properly administered its policies and procedures consistent with CEQA and CEQA Guidelines.

I reviewed SCE's Advice letter, as well as many of the Complaint letters, the Response of Southern California Edison Company (U338-E) to Protests to Advice Letter No. 2272-E (Response letter), attended the Ventura County Board of Supervisors Special Meeting on this project on October 28, 2008, discussed the Advice letter with various SCE and PUC staff members, members of the community and conducted a site visit of the segment of the utility corridor within Santa Rosa Valley. Attached are maps identifying the proposed alignment of the subtransmission lines and photographs of existing power lines.

I have provided environmental and land use services to the development industry since 1974. I have written hundreds of environmental documents in compliance with CEQA and the National Environmental Policy Act (NEPA). My experience with CEQA is extensive and I consider myself an expert in analysis of projects and their effects on the environment, including but not limited to: Aesthetics, Agricultural Resources, Biological Resources, Cultural Resources, Geology/Soil, Hazards/Hazardous Materials, Hydrology/Water Quality, Land Use Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation/Traffic and Utility Service Systems. I have evaluated the environmental impacts from a wide range of projects from large-scale mixed-use master-planned communities, to infrastructure projects including transportation and utility corridors, industrial and manufacturing projects, affordable housing project and various projects on Native American Indian lands, etc. The majority of this work has been performed in California.

The following statement represents my professional opinions:

1. Arguments against the Use of General Order 131-D, Section III B.1.g

A. SCE's tortured interpretation of PUC General Order No. 131-D, Section III.B.1.g cannot be used to evade the requirements of the California Environmental Quality Act.

1. On its face, the proposed project falls within the broad definition of a "project" subject to review in accordance with CEQA (Public Resources Code Sec. 21065), unless it is found to fall within any of the exemptions identified in General Order 131-D, the CEQA statutes or the CEQA Guidelines. SCE contends that the project is exempt based on the exception described in Paragraph III.B.1.g of the above-referenced General Order, but fails to identify any provision of CEQA itself to substantiate that position. Even if, for the sake of discussion, the PUC had intended to exempt projects such as this, the PUC does not have the authority to create such an exception that would be in conflict with CEQA. Based on its characterization of the project, SCE presumably would contend that the project is a Class 1 categorical exemption (California Code of Regulations Sec. 15301), but that would be an enormous regulatory reach, unsupported by any of the actual characteristics of the Project.

In any event, it would be a gross misapplication and misinterpretation of Section III.B in general and Paragraph III.B.1.g in particular to exempt this project from environmental review. General Order No. 131 was revised in 1995, *inter alia*, to make it more responsive to "the requirements of the California Environmental Quality Act" and "the need for public notice and the opportunity for affected parties to be heard by the Commission." Section III.B.1, after establishing the permit requirement for projects such as this, goes on to identify a number of exemptions. Exemptions "a" through "e" consist of either pre-existing facilities or very nominal changes to such facilities. Exemptions "f" through "h" apply to facilities that have already undergone environmental review or are exempt under the terms of CEQA. This project does not fall within any of these categories. SCE seeks to have exception "g" applied in a way which would create a special category outside the bounds of both specific provisions of CEQA and the obvious intent of Paragraph III.B.1, based solely on the awkward wording and punctuation of the latter provision. Under no circumstances can that be used to evade the requirements of CEQA.

2. Exemption "g" is superfluous or meaningless if read the way SCE does, stopping at the semi-colon and treating existing easements as if they were existing facilities, i.e., with a known finite capacity and limited potential impacts and presumptively no need for further environmental review.

The comparable CEQA & PUC Categorical Exemptions ("b") for replacement or maintenance of existing facilities don't allow overburdening; changes must be minor. It's not just new projects that are not exempt; it's any expansion of an existing facility that's not a replacement or minor upgrade.

The resulting differences between utility corridors and easements can't be justified. Why a prior final EIR for corridors and not franchises? Unexplainable differences indicate that a statute is being misread and misused.

3. If exemption "g" is read as allowing existing easements to be used to capacity for more than existing facilities, there is no limit. Many easements for example are wider than facilities need in

order to provide for initial installation, servicing and setback buffering (not just EMF setbacks). Contrary to SCE's claim, a 100-foot easement with a 33-foot right-of-way in the middle and setbacks on either side does not contemplate two more 33-foot parallel right-of-ways.

SCE's asserts for unexplained and unexplainable reasons with great risk to the environment, that the PUC intended to exempt any added facilities in all franchises in all instances, but saw a need to exempt added facilities in utility corridors only when a final ND or EIR finds no significant unavoidable environmental impacts. It is much more reasonable, consistent, logical and protective of the environment to require that added facilities in both utility corridors and franchises only be exempt if prior final EIR's have been done that considered such effects.

4. By not citing entire sub-section B.1(g) SCE violates statutory construction principles; it can't legislate omissions, entire provisions must be considered.

5. If different meanings were to be established by the semi-colon, different subsection letters or sub-sub-section identifiers (g.i) for easements (g.ii) for corridors, would be used.

6. To clarify in detail re "existing facilities" exemptions: PUC Order 131-D.'s Section 1. B. 1. (b) and (c) deal with and track the "existing facilities" exemptions provided under CEQA.

7. SCE's owned facilities, which are part of the project description are not included B.1.(g), and no exemption is cited.

Presumably, SCE "owned facilities" which are part of the permit but not included in exemption (g), would be covered by B.1 exemption (b) or (c), and limited to upgrades and minor changes, not new facilities.

8. If the CEQA clause in exemption (g) doesn't apply to existing easements, none of the other subsections make sense (e.g. existing lines and facilities (b), minor relocation (c), or parts of a larger project (f)), and all existing franchises and easements would be unrestricted and able to inflict unlimited environmental damage.

If SCE's interpretation stands SCE/City franchises could triple or quadruple lines and poles, not just the doubling the Project proposes I used in my example.

9. Regarding the semi-colon in exemption "g":

A semi-colon is properly used to separate clauses with separate subjects, verbs and predicates, which is not the case here.

A semi-colon can be used as a comma for clarity where several lists with commas are linked, but not grammatically separate, which I would point out is the case here. The CEQA clause should apply to the whole sentence before and after the semi-colon, for grammatical, common sense and legal interpretation principles described below.

Technical readings based on narrow grammatical assumptions do not survive the "Fair Argument" test for requiring Negative Declarations or EIRs: if it's a reasonable interpretation the PUC staff must consider it.

Categorical Exemptions must fall within all the express terms of an Exemption, can't be implied or expanded, and must be strictly construed in favor of protecting the environment: See e.g. Azusa Land Reclamation v. Main San Gabriel Watermaster (1997) 52 CA 4th, p. 1165, County of Amador v. El Dorado County Water Agency (1999) 76 CA 4th 931, and similar cases. The Exceptions only apply if the Exemption is met in the first place.

Judicial principles of statutory interpretations must consider both possible uses of the semi-colon and see if either is more likely and reasonable or if one is nonsensical and tortured.

The idea that any existing franchise, road widening setback easement or public utility easements would be exempt differently from a utility corridor has no reasonable justification other than the semi-colon. Did none of the existing franchises or easements ever require CEQA, whereas a utility corridor always did? Wouldn't new franchises or easements require CEQA? The only justification for the semi-colon not to be the equivalent of a comma would be if such easements never had, and never would have, Negative Declarations or EIRs in any case.

PUC General Order 131-D, Section B.1 lists exemptions "a-h", which a Court would look to, to decide what "g" meant. The other exemptions, "a-e and h" deal with areas where no environmental impact would be expected (the purpose of exemptions); therefore to read the first part of "g" as anything but exempting only franchises and easements which had prior final CEQA analysis, would make that part of "g" superfluous and repetitive, something a Court will not usually do.

There a Fair Argument that the clearest, most reasonable and most protective interpretation is that unless a prior final CEQA determination has been made, no franchise, easement, or corridor should be exempt, without meeting the other conditions (a-e and h).

Why then are Utility Corridors not simply listed with the others in the same format? Because franchise, road easements and public utility easements are "existing" by definition, i.e. legally described and finite, whereas a utility corridor could be just a planning route on one or more General Plan maps, and the term "existing" needed to be clarified.

The fact that utility corridors include Federal rights and there is no exemption for NEPA approved utility corridors, argues against the final CEQA phrase being intended for just utility corridors.

Again, the main question is why only utility corridors should be treated as subject to CEQA and City franchises exempt? Can SCE and any City decide without CEQA to run new double lines and double the towers and poles throughout a City over existing franchises?

10. CEQA Exemptions in General:

Categorical Exemptions are in most cases, expressly limited to maintenance, replacement and improvement of existing operations and facilities already in place with similar impacts (See CEQA Guidelines 15301, "Existing Facilities"), e.g. pipelines, hospitals, and do not apply to new or

expanded facilities. Expanding into surplus or unused available franchise and easement areas for new lines and towers that double the existing facilities are not within the scope of existing operations and facilities and should not be confused with simply increasing system capacity over existing lines or facility improvements (e.g., Pipeline CEQA exemptions are limited to one mile underground, no new surface facilities.) The SCE version of the exemption is so large it eviscerates CEQA.

Mitigation or minimization of significant impacts to justify Categorical Exemptions, such as SCE has made (views are not substantially changed), is not a permitted argument or rationale; if there are admitted mitigateable impacts, CEQA applies and the mitigation plan must be prepared properly in full compliance with CEQA.

The exceptions to the exemptions listed in PUC General Order 131-D B. 2 only apply if the activity is already exempt; they can't be used, as SCE attempts to do in its Response letter, as a substitute for, or limitation on, full CEQA analysis of all potential impacts: i.e. the test for view impacts or cumulative impacts is not whether there is a scenic highway involved; that scenic highway test only applies if the new lines are already exempt because a Negative Declaration or EIR already found no other view impact.

11. Controversy among experts exists over the meaning of Exemption "g." CEQA requires the lead agency to err on the side of the environment.

Exemption "g" is poorly worded and there is tremendous speculation when trying to determine the PUC's intent in adopting this exemption. Furthermore, PUC staff has acknowledged industry confusion over the PUC's intent. This controversy has been ongoing for well over a year. The exemption has different meaning if viewed in context of the whole of the exemptions (a-h). Comparing exemption "g" to CEQA begs the comparison to CEQA Guidelines, Section 15003.2(a). Breaking the exemption into two parts separated by the semi-colon leaves those classes of projects in the first part exempt on their face (as claimed by SCE). If combined with Section 15003.2 the exemption would say that this class of project is exempt if it does not have cumulative impacts or significant effect or unusual circumstances. Interpreting the exemption assuming the semi-colon is a typographical error and should be a comma, leads one to conclude that none of this class of project is exempt from CEQA on its face.

Fortunately, CEQA provides clear guidance. CEQA states that in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR" (CEQA Guidelines Section 15064(g)).

In this case, the public and PUC are trying to determine if SCE's interpretation contained in the Advice letter is correct, or if some other interpretation better reflects the intent of the PUC and CEQA. In this situation the guidance provided by CEQA should be relied upon. Since the project has the a number of potential environmental impacts, CEQA's underlying principles suggest that when interpreting rules and regulations relative to environmental protection, one must err on the side of the environment.

In the context of CEQA's principles, either exemption "g" applies to projects subject to a final ND or EIR, or the exemption applies to a class of projects that do not have the potential for significant effects, cumulative impact or unusual circumstances.

It is my opinion that in either case, exemption "g' does not apply to the proposed Project because there is no final ND or EIR, the project has unusual circumstances and the potential to generate significant impacts on land use, health and safety, aesthetic and other categories.

2. Arguments For Exceptions

A. Cumulative Effects

1. Climate Change

SCE's assertion that Climate Change is currently not a relevant factor for Application per CEQA Guidelines Section 15300.2 is incorrect. The fact that the Project will contribute incrementally to a cumulatively significant adverse impact on climate change is not disputed. The position presented by SCE and the standard set by CEQA is whether the incremental contribution is cumulatively considerable.

CEQA Guidelines Section 15064(h)(1) provides guidance when it states: "When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The State of California, in adopting AB 32, clearly answered part of this question when it found that the effects of climate change result in significant adverse impacts to the environment. Electrical generation and transmission facilities generate significant quantities of greenhouse gases during their construction, their operating life and through maintenance and upgrade procedures. The Air Resources Board recognizes this fact and recently released a Draft Scoping Plan for compliance with AB-32. This Plan recognizes the considerable impact that past, current and future power generation facilities have, are having, and will continue to have on climate change and the environment. To combat greenhouse gases generated from electrical generation and transmission facilities, the Plan targets one third of the State's energy mix to come from renewable sources by 2020.

It is my opinion that the Project's incremental effect, though individually limited, is cumulatively considerable when viewed in connection with the effects of past projects, other current projects and probable future projects. In addition, the adoption of AB-32 represents special circumstances not anticipated at the time of adoption of General Order 131-D. The use of General Order 131-D, Section III B.1 exemption "g" is not applicable to the proposed Project.

Additionally, SCE's allegation, "Since there is currently no State or air district criteria for assessing climate change impacts of projects at this time, any determination that a project would have a significant impact on climate change is premature," is contrary to PUC current practices. The PUC is correctly administering CEQA by requiring analysis of climate change in CEQA documents consistent with AB-32 and the Office of Planning and Research's Technical Advisory on the topic.

2. Current and Future Projects

SCE plans to utilize this utility corridor for additional power transmission lines in the future. These future plans have not undergone regulatory review. SCE is reserving space in this corridor for their future construction.

Potential cumulative impacts include aesthetic impacts from additional above ground facilities; the potential for overload from increased loads from expansion of existing and future facilities; the need to upgrade or change existing facilities due to changes in regulations, such as AB-32; the increased potential for a downed power line induced fire; increase in EMF, and overloading of public rights-of-ways from conflicts between existing and future plans.

It is my opinion that the cumulative affect of the existing 220kV transmission lines combined with the proposed new 66kV transmission lines and future lines constitute cumulative impacts that when combined with other past, present and future projects have the potential to be cumulatively considerable and certainly represent unusual circumstances, which have the potential to result in significant environmental impacts.

B. Special and Unusual Circumstances

Downed power lines are known to create catastrophic fires as evidenced by the recent Porter Ranch fire that destroyed 66 structures and damaged many more, burned over 13 thousand acres and cost taxpayers millions of dollars.

http://www.scpr.org/news/2008/10/17/8809/porter-ranch-fire-report/

Modern planning principles dictate that power lines be set back from residential neighborhoods, sensitive environments and one another to the maximum degree feasible; that fuel modification zones be established within transmission corridor right-of-ways and easements to minimize the potential spread of fire; and that adequate access for fire and rescue personnel be incorporated into the design of projects. The projects covered by PUC and CEQA exemptions are not anticipated to result in the potential for significant environmental effects. CEQA Guidelines, Section 15003.2 and PUC General Order 131-D.III.B.2 provides "exceptions" to the use of categorical exemptions.

It is my opinion that the proposed Project contains "unusual circumstances" not present in projects qualifying for Categorical Exemptions. Unusual circumstances associated with this project include: a) the location of the proposed 66kV transmission lines in close proximity to existing residential uses, b) the construction of the 66kV transmission lines with the setback area for existing 220kV transmission lines, c) The Project's failure to provide adequate setbacks and fuel modification zones results in reduced response times for fire and rescue personnel. Reduced response times will significantly increase the risk of personal injury and structural damage under normal climatic conditions. This potential impact is exacerbated and could become catastrophic if a fire occurred

during periods of high winds known to occur in the Santa Rosa Valley; d) potentially considerable cumulative impacts from future facilities within this utility corridor, aesthetic impacts, increased EMF, and risk of catastrophic fire, and e) statutory changes including the requirement to address AB-32, the affect of which could not have been known when General Order 131-D was adopted.

These unusual circumstances are among the reasons the City of Thousand Oaks and County of Ventura filed complaint letters with the PUC. The County of Ventura, after informing SCE of their concerns at a special Board of Supervisors hearing submitted a second letter informing the PUC that unresolved land use concerns exist in accordance with General Order 131-D, Section XIV.b.

CEQA Guidelines Section 15003.2(b) states: "A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances."

It is my opinion that a reasonable possibility exists that the "location" of the proposed 66kV above ground power lines immediately adjacent to rear property lines of existing residential structures within the Santa Rosa Valley and elsewhere in the City of Thousand Oaks will have a "significant effect" on the environment due to unusual circumstances, as well as cumulatively considerable impacts when considering past, present and future projects.

C. Disagreement Among Experts Over the Significance of a Project Effect

SCE's Response letter claims that the Project will not result in any of the exceptions contained in General Order 131-D and that the proposed Project should be exempted from CEQA. I have evaluated the Advice letter, a number of the Complaint letters, the SCE Response letter, reviewed aerial photos of the proposed 9 mile corridor and have a personal knowledge of the existing corridor within the Santa Rosa Valley.

CEQA states that in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR" (CEQA Guidelines Section 15064(g)).

It is my opinion that the activities described in the Advice letter present a reasonable possibility that the Project will have a "significant effect" on the environment due to unusual circumstances described herein.

3. Arguments for Re-Circulation Of The Advice Letter

A. The Advice Letter Is Flawed

1. The Project Description Fails To Address The Whole of the Project

CEQA Guidelines, Section 15060(a) require a lead agency to receive and review applications for completeness. PUC Rules of Practice and Procedures, Rule 3.1(a) *Construction or Extension of Facilities*, requires an application to contain "a full description of the proposed construction or

extension, and the manner in which the same will be constructed." Further, General Order 131-D, Section IX.B sets forth the specific requirements for a Permit to Construct.

The PUC procedures do not require an application for this project and instead rely on the Advice letter's claimed exemption "g" within General Order 131-D, Section III B.1. The Advice letter identifies the proposed activity as exempt from CEQA. In so doing, the PUC is relying on the description of the proposed activity contained in the Advice letter to confirm that the activity, in fact, meets the requirements for exemption.

The Advice letters summarizes the proposed improvements to such an extent that pertinent information about the improvements has been omitted. The information is so woefully inadequate and incomplete that the full scope of the project cannot be determined. The information in the Advice letter does not answer the following basic questions:

- Are the activities described in the Advice letter permitted by applicable agreements for road widening setback easement, public utility easement or utility corridors?
- What are the characteristics of the new facilities?
- Will replacement and reconductor of existing facilities be of the same size, type and character?
- Are the proposed upgrades of the same size, type and character?
- Can the activities described in the Advice letter be constructed in accordance with applicable building codes? This is critical given that new power lines will be constructed immediately adjacent to residential uses and within public right-of-ways.
- Will the activities described in the Advice letter overload capacity or conflict with future planed developments within the affected public right-of-ways?
- Are future utility facilities and/or lines planned within this utility corridor?
- If future facilities are planned within this utility corridor, what are the environmental affects of these future lines on existing and proposed improvements?

Based on the size and complexity of this project, the Advice letter should be revised and re-circulated to include a complete description of the proposed activity meeting the content requirements of General Order 131-D, Section IX.B. One would expect this to include detailed plans and other graphics allowing the public, responsible and trustee agencies, as well as the PUC to make an informed decision on the applicability of the exemption as intended by CEQA.

2. The Advice Letter Failed To Use Plain Language

The Advice letter failed to use plain language when describing the Project in violation of the intent of Section 21083, Public Resources Code; Reference: Sections 21003 and 21100.

The lack of a plainly worded comprehensive project description has generated great public controversy and speculation over the Project's potential environmental impacts. The controversy appears to be directly attributable to what is perceived to be an effort by SCE to circumvent CEQA and the PUC regulatory process.

3. Exemption "g" Does Not Cover The Whole Of The Project

"SCE's owned facilities", which are part of the project description are not included General Order 131-D Section B.1 (g), and no exemption is cited.

4. The Advice Letter Is Misleading

The Advice letter appears to violate the PUC Code of Ethics, and CEQA by misleading the public in the manner in which it asserts exemption from PUC authority, citing PUC General Order 131-D Section III.B.1. The Advice letter states: "projects meeting specific conditions are exempt from the CPUC's requirement to file an application requesting authority to construct." By making this statement the public is lead to believe that an application or its equivalent is not needed pursuant to PUC Rules of Practice and Procedures, Rule 3.1(a), General Order 131-D Section IX.B, or CEQA Guidelines, Section 15060(a), when in fact detailed information required by these regulations provides the information necessary for the PUC not SCE to make this decision. Secondly, the wording in the Advice letter leads the public to believe that this decision is final (past tense), as opposed to clearly stating this is SCE's interpretation of Section III.B pending PUC approval. While the Advice letter does inform the public of their rights to protest, the description of the grounds for protest given only asks if they have "incorrectly applied for an exemption," and begs the question whether SCE is misleading the public on the requirement for filing an application (or its equivalent) or providing a full description of the proposed construction or extension, and the manner in which the same will be constructed.

By relying solely on the description of the proposed activity in the Advice letter, the public, responsible and trustee agencies, as well as the PUC are biased by its content and are not presented with sufficient factual information to make an informed decision on the proposed activity. PUC policy for review of Advice letters must be consistent with CEQA.

To err on the side of the environment and insure full disclosure and public participation the PUC should require SCE to file an application pursuant to PUC Rules of Practice and Procedures, Rule 3.1(a) Construction or Extension of Facilities, or require equivalent information to be incorporated into a revised re-circulated Advice letter so that the public, responsible and trustee agencies, as well as the PUC can evaluate the whole of the project.

B. PUC Did Not Accept The Advice Letter As Complete In A Manner Consistent With CEQA.

CEQA Guidelines 15061(a & b) requires that a lead agency's decision on whether the Project is or is not subject to CEQA be made after an application has been deemed complete. Similar requirements are contained in General Order 131-D, Section IX.B and set forth the specific requirements for a Permit to Construct.

It is clear from the information contained in the Advice letter that it describes a "project" that would be subject to CEQA. The PUC in administering CEQA must meet the intent of CEQA, which is to insure that the public, responsible and trustee agencies are informed, and that the information presented is complete and non-biased.

However, this Advice letter does not describe the whole of the project as required by CEQA. This piecemeal approach is prohibited by CEQA. Piecemealing prevents the PUC from conducting a thorough evaluation of the scope of the Project. As a result, the Project's potential for unusual circumstances having the potential to result in significant environmental effects can't be fully determined.

The PUC as lead agency for CEQA should independently verify that the description of the project is in fact, the whole of the project and deem the Advice letter complete prior to public circulation. By not accepting the Advice letter as complete, the PUC not only had insufficient information to base any further decisions, the PUC is precluded from making any further CEQA decisions by CEQA Guidelines, Section 15061(a & b).

C. PUC Is Proceeding Improperly In Determining Whether The Activity Proposed In The Advice Letter Is Subject To CEQA

The steps taken by the PUC in determining if this project is subject to CEQA must be consistent with CEQA Guidelines. Because the PUC has not been presented with sufficient details about the project and have not independently verified that the information provided represents the whole of the project, the PUC lacks sufficient information to determine if there are unusual circumstances having the potential to result in significant environmental effects.

CEQA Guidelines require that once an application is deemed complete, a lead agency must first determine whether an activity is subject to CEQA (*CEQA Guidelines 15061(c)*). CEQA does not allow a lead agency to make this determination for projects that have not filed an application, or for projects whose applications have not been deemed complete.

D. SCE's Response Letter Fails To Address Critical Issues

SCE's Response letter is incomplete. The Response letter failed to address the vast majority of key points raised in the Complaint letters. For example, the following key allegations were not addressed.

- The failure to use plain language in describing the scope and extent of the proposed construction activity
- The failure to provide a complete description of the proposed activity
- The failure to address the increased fire threat to residential areas
- The failure to relocate the proposed 66kV above ground subtransmission lines to the opposite side of the existing 220kV lines within the Santa Rosa Valley

By avoiding these topics in their Response letter, SCE is restricting information about the project. Much of this information could provide definitive answers to the key questions, such as, whether exemption "g" is applicable to the proposed project and whether the proposed project must submit a Permit to Construct. Had SCE answered these questions, their answers might have revealed that there is a significant increase in the fire threat to residential units in the Santa Rosa Valley, that this threat is cumulative because they have future plans to construct additional transmission lines within this corridor, and for that reason they have declined to relocate the proposed 66kV facilities to the opposite side of the existing 220kV transmission lines, like common sense dictates.

The PUC should review the Response letter and require SCE to respond to all issues that could provide meaningful information to assist in determining if the project qualifies for exemption "g."

E. Thus Far, The PUC Process For Reviewing This Advice Letter Is Inconsistent With CEQA

The PUC is being asked to determine whether the proposed activity in the Advice letter qualifies for exemption "g" solely on the description of the activity in the Advice letter and Response letter submitted by SCE. By relying on SCE supplied information and not exercising its independent judgment in determining if the project is in fact, the whole of the project, the PUC has insufficient information about the project and its features. In this case, that missing information will reveal a reasonable possibility that the Project will have a "significant effect" on the environment due to unusual circumstances. To rely solely on SCE supplied information presents a far different understanding of the project than actually exists.

One of CEQA's fundamental principles is to insure that the information about a proposed activity is presented accurately, completely and is non-biased. This principle allows the public and decision makers to make informed decisions based on known facts. Another fundamental principal is the use of independent judgment. By not requiring the Advice letter to contain an adequate description of the whole of the project and by relying on a Response letter that avoids the most critical topics for identifying and determining if significant effects and unusual circumstances exist, the PUC will have violated these fundamental principles of CEQA. If the PCU makes any other determination on the applicability of exemption "g," other than to deny it, it will have based its decision on biased and incomplete information.

F. Affirmative Decision On The Advice Letter Is Premature

An affirmative decision at this time on whether the Project qualifies for exemption "g" is premature because the PUC has not taken actions to remedy inconsistencies with CEQA Guidelines. An affirmative decision on whether the Project qualifies for exemption "g" is premature because:

1. An inadequate Advice letter was circulated which did not meet the content requirements of CEQA Guidelines Section 15061(a) and PUC Rules of Practices and Procedures, Rule 3.1(a) Construction or Extension of Facilities;

2. The PUC failed to accept the Advice letter as complete in a manner consistent with CEQA Guidelines Section 15061(a-b);

3. The PUC proceeded improperly by not complying with CEQA Guidelines 15061 or similar procedure in determining whether the activity proposed in the Advice letter is subject to CEQA;

4. The PUC failed to correct critical omissions in SCE's Response letter that would have provided critical information on the Project's unusual circumstance and potential for significant environmental impact; and

5. The PUC has not exercised its independent judgment in determining if SCE supplied information describes the whole of the project.

4. Conclusions and Recommendations

Conclusions

After carefully reviewing the information, I have concluded a reasonable possibility exists that the improvements described in SCE Advice Letter Number 2272-E do not qualify for exemptions "g" within General Order 131-D, Section III B.1.

Notwithstanding this conclusion, the proposed improvements have a reasonable possibility to result in significant effects, unusual circumstances and cumulatively considerable impacts due to the location and characteristics of the improvements when considering past present and future projects and that one or more of the exceptions cited in General Order 131-D, Section III B.1 apply. The environmental concerns identified in your protest letter are valid and have the potential to result in significant environmental impacts. The determination of significance cannot be made at this point give the lack of detailed information.

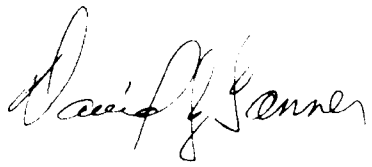
Recommendations

Based on the foregoing, it is my expert opinion that the PUC should:

- Deny the Advice Letter on it's face, finding that the Project does not qualify for General Order 131-D, Section III B.1.g
- Deny the Advice Letter finding that exceptions exist to the use exemption "g" within General Order 131-D, Section III B.1
- Extend the Suspension letter or re-issue a new Suspension letter and instruct SCE to re-circulate a revised Advice letter
- Extend the Suspension letter or re-issue a new Suspension letter, instruct SCE to meet with those who filed Complaint letters to resolve issues and reconsider the Advice letter at a later date.

Thank you for this opportunity to be of service. Should you have any questions, don't hesitate to call.

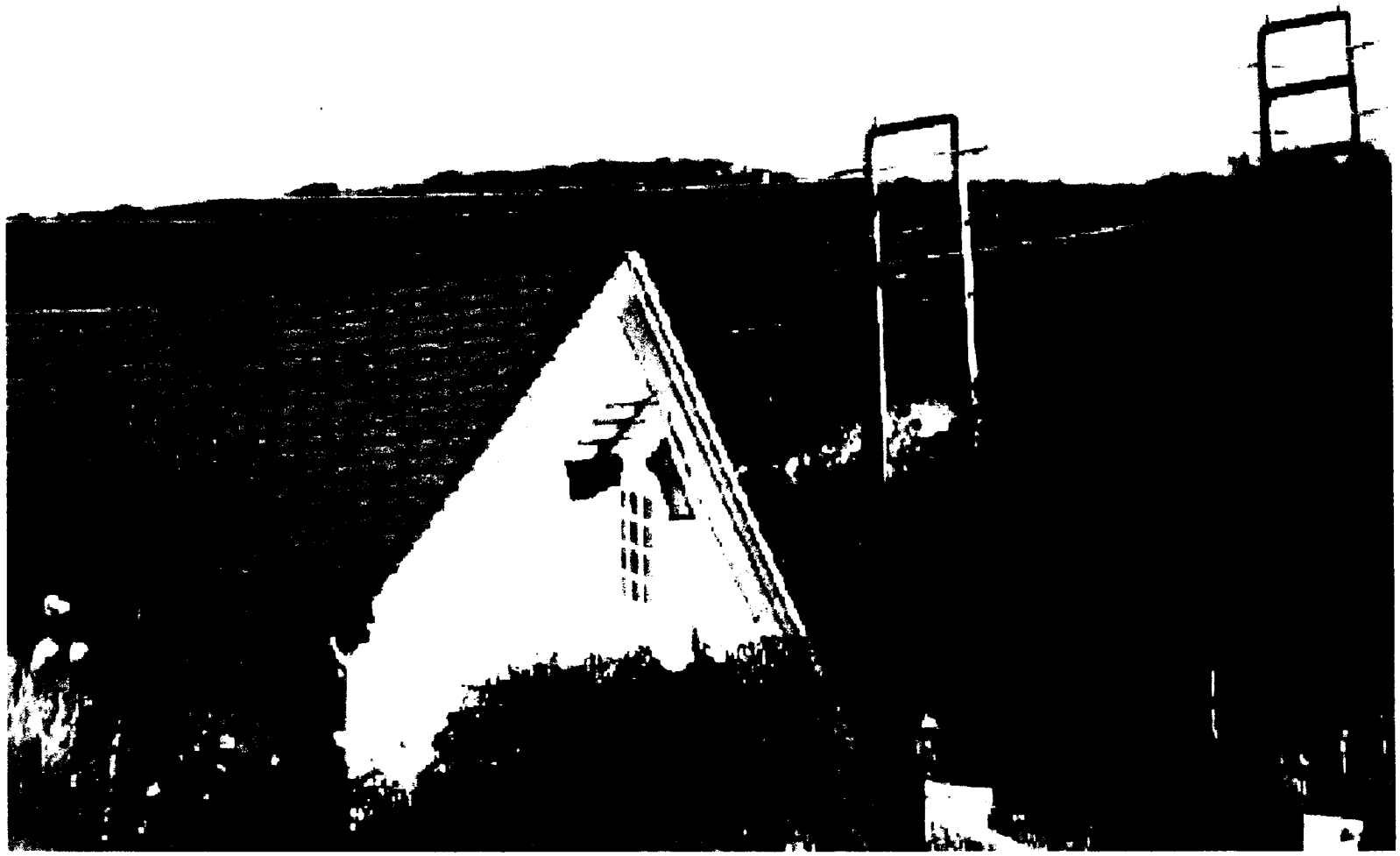
Sincerely,



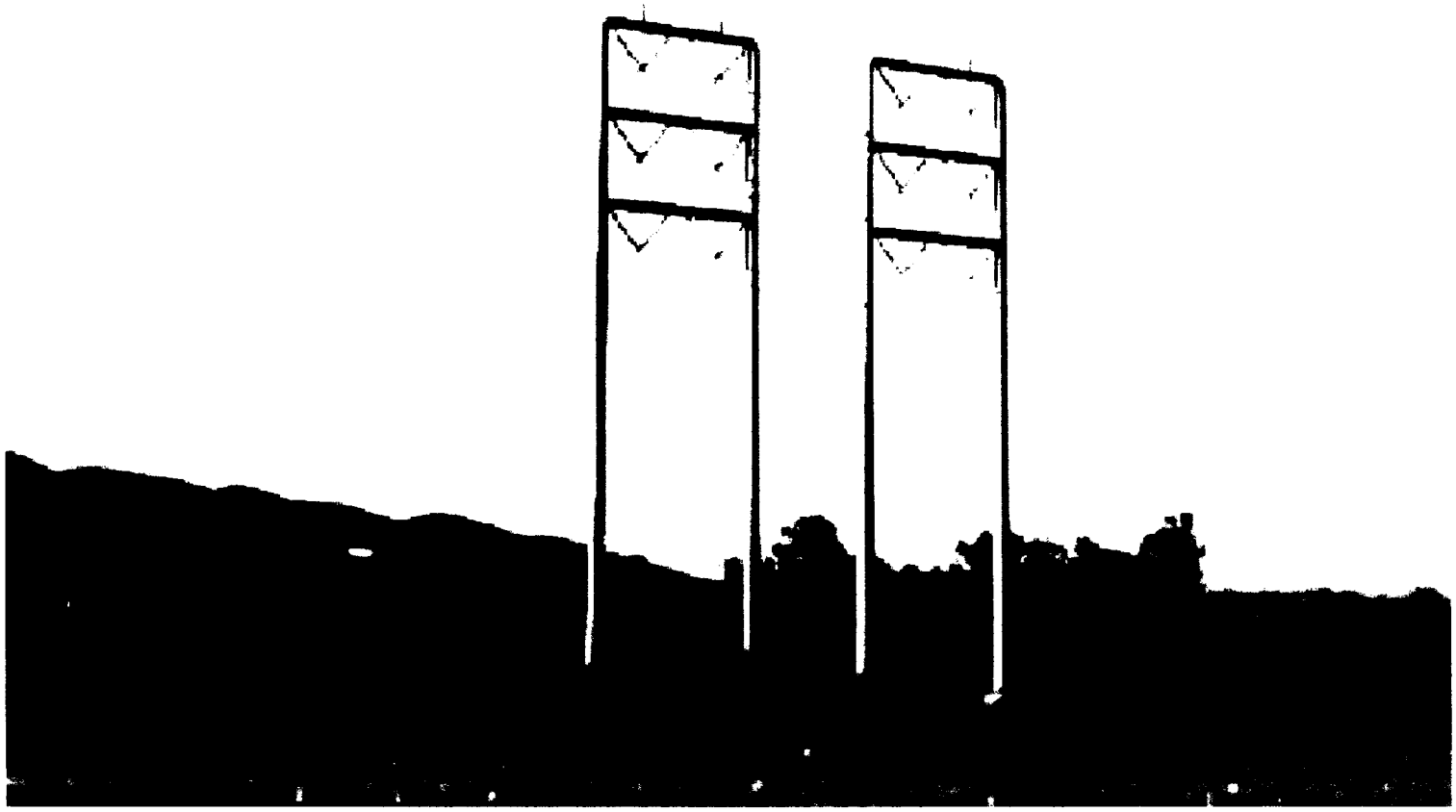
David J. Tanner
President
Environmental & Regulatory Specialists, Inc.
223 62nd Street
Newport Beach, California 62663

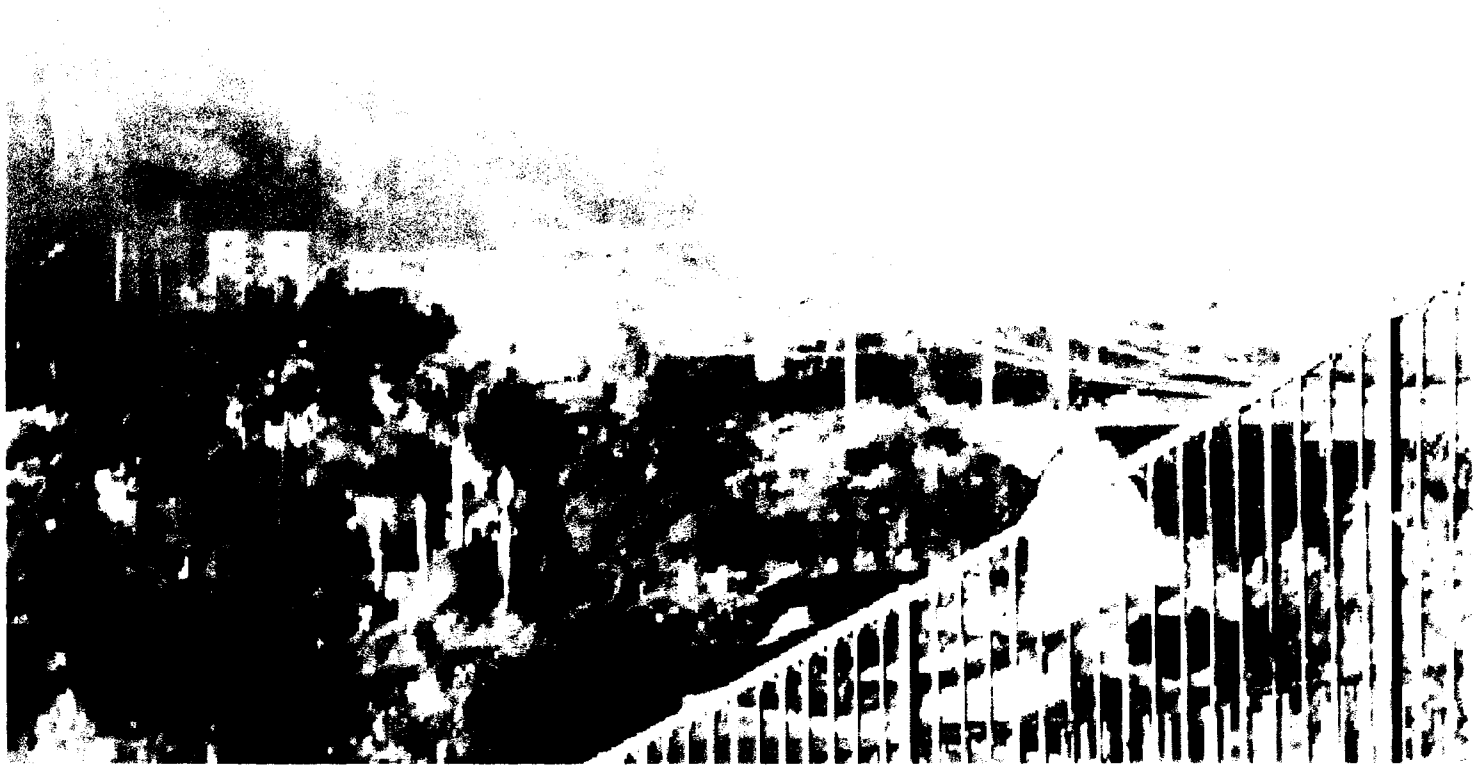
Google Earth aerial image of a portion of the Santa Rosa Valley

Photos Of Existing Utility Lines And From The Santa Rosa Valley Estates Development

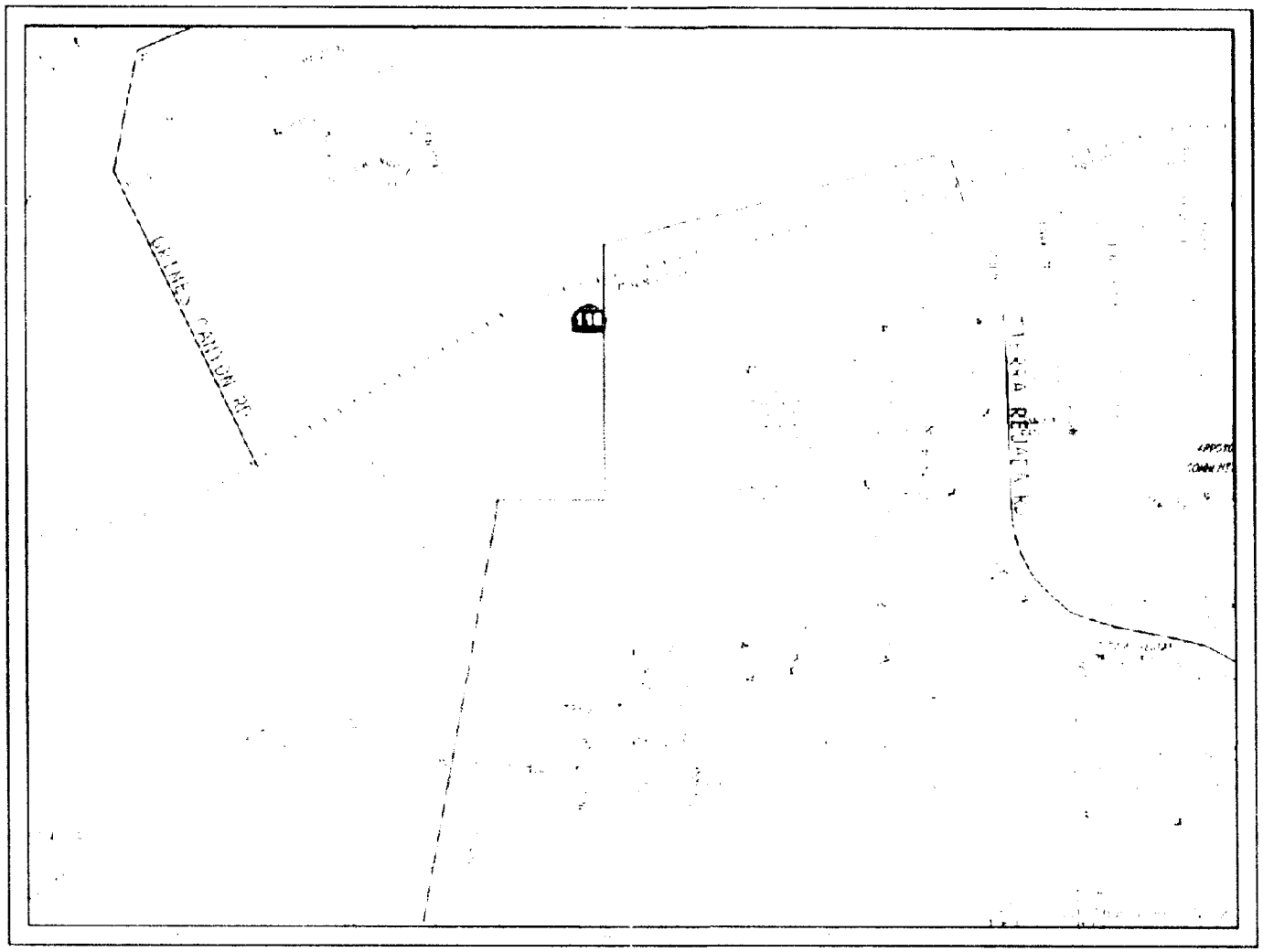


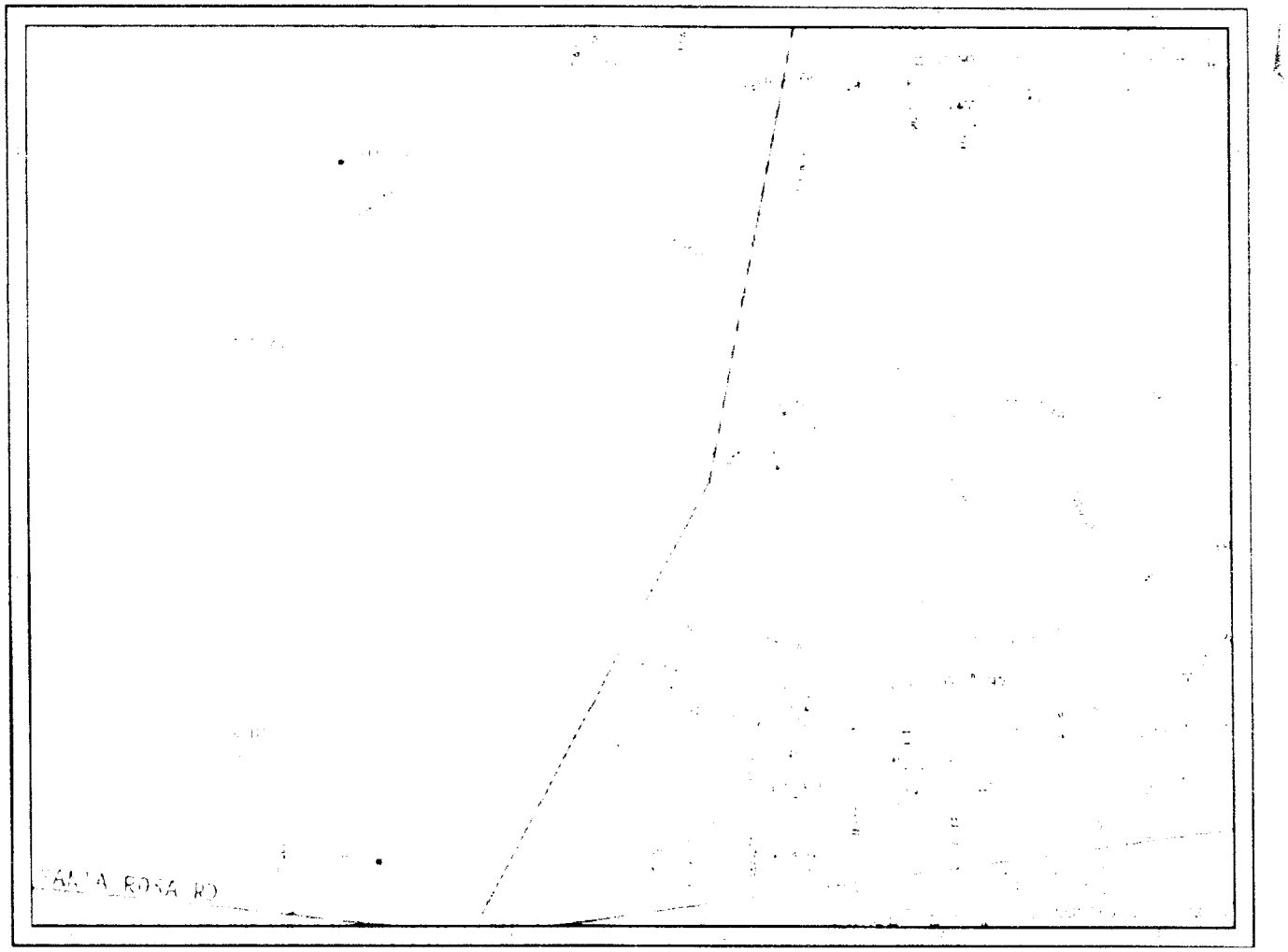
Photos Of The Existing Power Lines In The Santa Rosa Valley



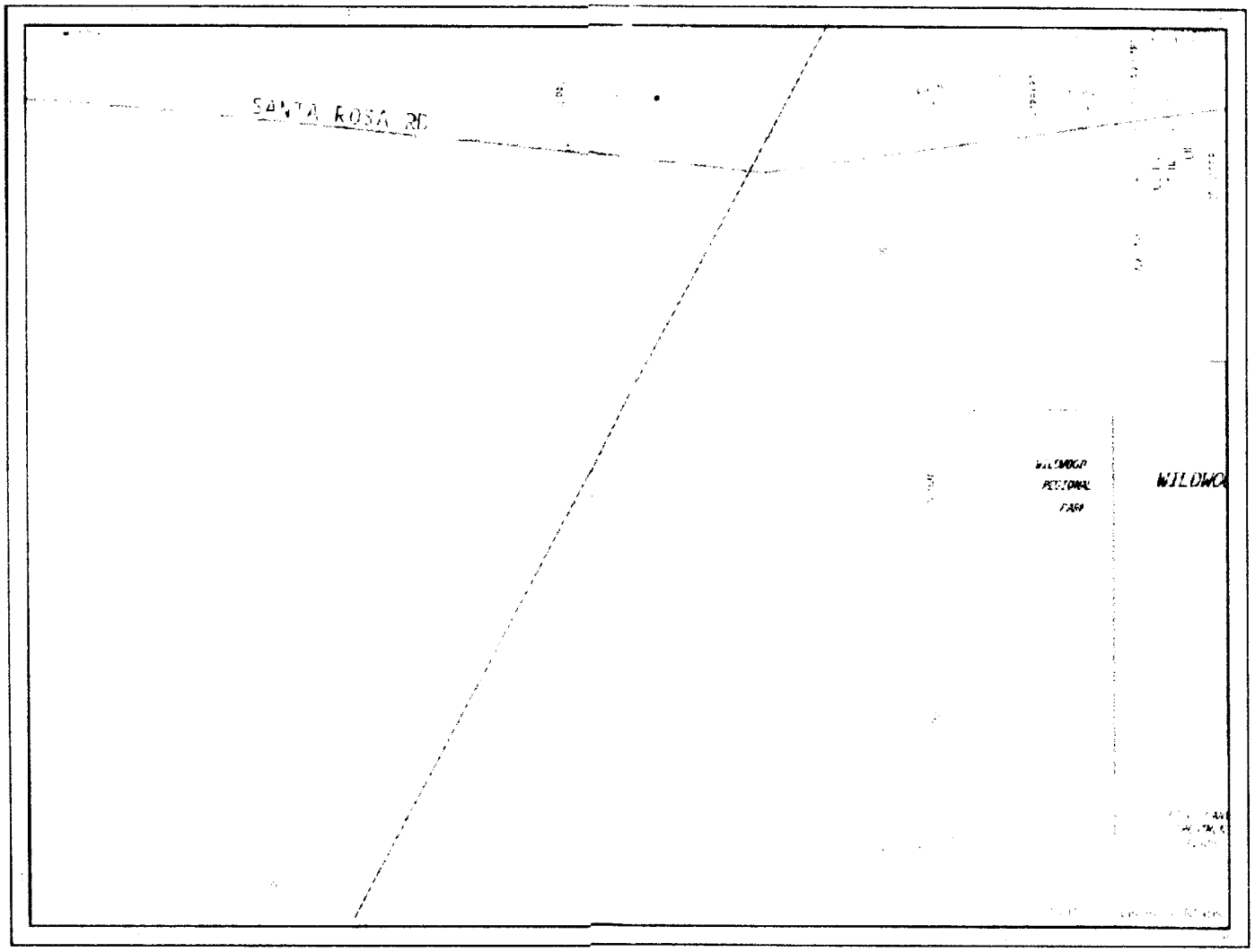


Exhibits Depicting The Proposed Alignment Of Existing And Proposed Facilities

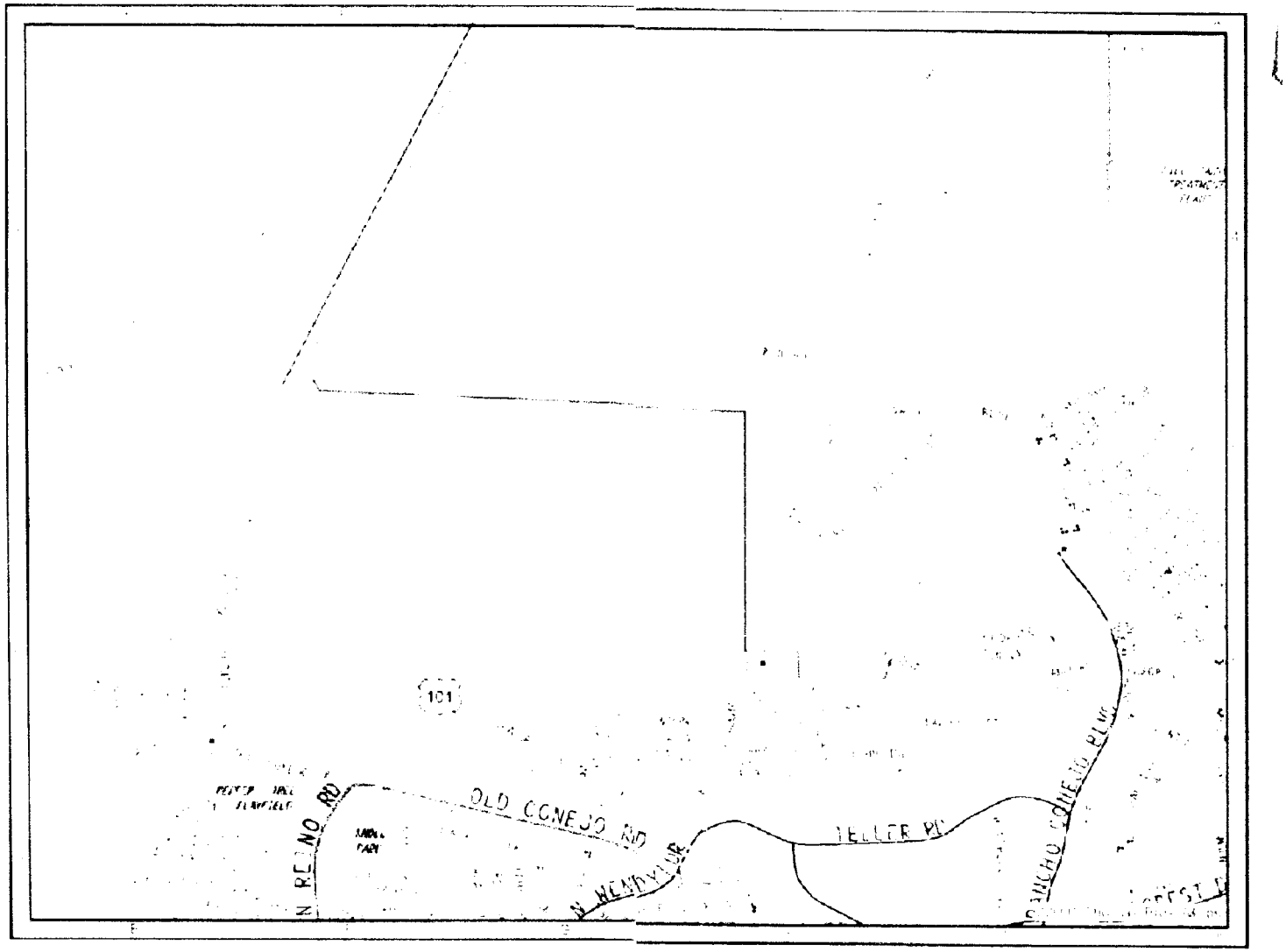




BLUE = EXISTING TRANSMISSION LINES AND SUBSTATIONS



BLUE - EXISTING TRANSMISSION LINES AND SUBSTATIONS



BLUE EXISTING TRANSMISSION LINES AND SUBSTATIONS

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.

2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

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But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat.* Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Chad Walker

_____

Chad Walker
10690 Ternez Drive
Moorpark, CA 93021
cwalker99@me.com

From: Dayne Hinojosa <dayne.h@aol.com>
Sent: Thursday, April 24, 2014 9:50 PM
To: Moorpark-Newbury
Subject: SCE EIR report

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates.Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite publicoutcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1.
CEQA requires a full review of past and present projects.
2.
The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3.
The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4.

Any Alternative to the Project should require the removal of all installations to date.
5.
To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243.The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:
(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.
(2) It failed to disclose a number of known potentially significant environmental impacts.
(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.
(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of alarger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

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"Mid-June 2012" (Source: Lawsuit against farmers July 2011)
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Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's*historical projection* of need for 2005 – 2013. The*projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's*current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has nothappened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east werebetween 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of theenvironmental issues below. However, this discussion willhighlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects – noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an areadesignated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by

the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it issafe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast),local residents watched the 220 kV lines arc and sendcascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision93-11-013. The fact that the CPUC has not promulgatedany further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issuewarranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon'sPentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13)http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of thembecause of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in adisturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources.No jurisdictional delineations have been included in theProject description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voicedconcern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's
Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of

towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely hasand will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisorshas expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled theseefforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation andrequesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Projecthas had no environmental review, and urged that anyimpacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged thatthe line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees.After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance.This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrivedto cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposedconstruction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years.Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information abovelends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary bySperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families andproperty values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision willbe but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: April 24,2014

/s/ Dayne Hinojosa

_____

(signature – use "/s/" before your name if signing electronically)

Name: Dayne Hinojosa

Address: 10762 Citrus Drive, Moorpark, California , 93021

Email: Dayne.h@aol.com

Sent from my iPhone

On Apr 24, 2014, at 10:36 AM, Kris <ladybuggk@aol.com> wrote:

sorry i forgot to include the addy:

Mr. Michael Rosauer
Moorpark-Newbury Project
c/o Environmental Science Associates
550 Kearny Street, Suite 800
San Francisco, CA 94108
E-mail: Moorpark-Newbury@esassoc.com
Fax: (415) 896-0332

From: Will W <westerlingcs@gmail.com>
Sent: Thursday, April 24, 2014 9:54 PM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Park EIR scoping comments

Mr. Michael Rosauer,

I live at 10275 Presilla Rd. The 220kV ROW is on my property and two sets of footings are on my property. The ROW extends 325 feet into the property and runs along the entire Eastern side of it.

I have never had any issue with SCE doing whatever they rightfully want to do within the easement. I have done my best to accommodate their needs with regard to access, trimming trees, etc. I have no problem with them putting in the new transmission line that they have partially constructed. It has always been very clear on my title report that they have the right to use the ROW for the benefit of supplying power to our community.

I attended the Scoping meeting on March 25th and was bothered to hear all of the suggestions being given as mitigation measures the current partially constructed line. It seemed to be to be a bunch of upset neighbors who simply want the project scrapped or moved further away from them.

I heard three suggestions at the meeting: Burying the line, moving the line to the West side of the current easement, and moving it another easement further West.

I have a real problem with all of these suggestions.

Burying the line is going to create a danger on my property that would effectively make that portion of the property un-farmable. I would not be able to do any subsurface tractor work near those buried lines. Also, I would be concerned about planting any more permanent tree crops above the power lines due to the risk of their roots encountering them.

Moving the line to the West side of the current easement would dramatically cut into my property making less of the land useable. I would have to remove two barns that would suddenly be too close to the power lines. Already there is open "deadspace" between the current transmission lines and the property line. This is where the partially constructed line is going in. It is the natural place to put the new line for many reasons but importantly because that area is already effectively less usable. This is the same for all of the properties along the ROW. Also, moving the power line to the West of the easement would move it closer to my house. It seems patently unfair to move it away from other peoples homes because they are being difficult, just to move it closer to me.

Finally, there is a suggestion to move the new transmission line to another easement just West of my property. This would require putting in large metal power poles to co-locate two 66 kV lines. That would be terrible. My house would then have these large unsightly transmission lines on BOTH sides of it. It would cause dramatic damage to my viewshed and that of my neighbors who are in the same situation.

In closing, it bothers me that neighbors to the East of me are so selfish that they would recommend moving the lines further into my property and closer to my home for no other reason than to get it further away from them. And recommending putting the new line on the other side of my property so that I am surrounded my transmission lines. I think me and the other property owners who actually own the land that contains the ROW

should be given more consideration with regard to the project. I also do not want the lines buried and to have a dangerous new underground utility on my property that would disallow me from farming that area. If any of these "mitigation" measures should be seriously considered I will take the strongest legal position that I can to protect my property.

To be clear, I support the current position of the power line that is already under construction and would like it finished as soon as possible.

Please include me in any email correspondence regarding information on this project.

Thanks,

Will Westerling

805-535-5517

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,

Mr. Mike Manka, Project Director

Mr. Matthew Fagundes, Project Director

c/o Environmental Science Associates

Moorpark-Newbury Project

550 Kearny Street, Suite 800

San Francisco, CA 94108

RE: Moorpark-Newbury Project

Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 2002, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any alternative to the project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that *the Project* was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned third 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard facts one should know when examining what this project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. The program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as

solar storage, the grid will become less necessary, and according to some solar companies, possibly obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same

community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs are now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus probably affects those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines **must** be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
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This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

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The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. **Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brush fires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brush fire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridge lines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008.

The loss of life and property attributable to electrically ignited brush fires is staggering. Wind-driven brush fires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

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Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity. Samples for carbon dating need to be collected to determine if it is safe to undertake construction in this area.

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By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brush fire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

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The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed.

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with known protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "Public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the

north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the signal north of Santa Rosa Technology Magnet School.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and is requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* the project began construction by 8/8/11, it cut down several hundred trees and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it. It took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Pepper tree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings and on any foggy day, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. Additional lines even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs or city as a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes, if not negates, the idea of a "haven". No longstanding community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration. We are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

Kim Ramseyer

_____

Kim and Steve Ramseyer

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Moorpark CA 93021

805 529-7113

kim@ramseyers.com

From: Cheryle Potter <pottercm@icloud.com>
Sent: Thursday, April 24, 2014 10:37 PM
To: Moorpark-Newbury
Subject: Moorpark-Newbury Project
Attachments: SCE_ESA_Community_letter_FINALCherylePotter.docx

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is itpossible the Energy Division granted Exemption G to the Projectin 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact.It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.
2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as itdescribes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As

protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

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The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects – noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention

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1. Brushfire

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By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

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This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

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views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

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Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

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Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

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Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Cheryle Potter

Cheryle Potter
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April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.

2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004

data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

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According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Cheryle Potter

_____

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April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

- CEQA requires a full review of past and present projects.
- The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.

- The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
- Any Alternative to the Project should require the removal of all installations to date.
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There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004 data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}

"Mid-June 2012" (Source: Lawsuit against farmers July 2011)
"Mid-2016 (Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and

four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. **Hazards – Public Safety**

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's
Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four

decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the

"industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

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We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

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April 25, 2014

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Mr. Mike Manka, Project Director
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But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

Joe & Terri Barton
12285 Ridge Drive
Santa Rosa Valley, CA 93012
805-491-3621
Joe0681@verizon.net

April 25, 2014

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.

2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

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But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/24/14

/s/ Moana DuBois-Walker

_____

Moana DuBois-Walker
10690 Ternez Dr.
Moorpark CA 93021
805 208 4125
moana1111@gmail.com

Good Evening,
Today I am grateful that the California's Public Utility commission has a long standing policy of PRUDENT AVOIDANCE OF ELECTRIC MAGNETIC FIELD EXPOSURE. BECAUSE for the past few years we have been struggling with Southern California Edison and their false promises of a public Environmental Impact Report on this 9 mile expansion of power from Moorpark to Newbury Park "Santa Rosa Valley Project".
The commission was studying Electromagnetic fields and preparing to issue more specific guidelines. Their has been no explanation of what happened to this report. We expect an environmental review to be completed before a project commences, yet I see Edison's people working in the Orchards behind my home on any given day of the week.
This is an Issue and warrants an enlarged scoping study to be performed, reported, and evaluated…the public has the right to review it and comment by federal law. Electromagnetic Field Exposure is real and impacts human health greatly.
Did you know there are 63 children in Moorpark with Cancer…10 students at Moorpark High school were reported to have brain tumors; according to the New York Daily News article published dec 3 2013.

I was forwarded an email April 7th 2014 from a coworker of Rudy Gonzales, the Governmental Affairs Liaison for SoCal Edison..
To quote "Rudy said that the only part left of the home acres portion of the project was to "string the lines" the new single steel poles are 2/3 the height of the current structures. They placed them next to the existing towers because of potential environmental impacts from going outside of their current easements, end quote. Clearly, Mr. Gonzales is aware of the Impact and has he read a report? If so, Where is that report?
Who am I to ask this question? My name is Moana DuBois-Walker and
I am a woman, I am a mother, a daughter, and a wife. I am a sister, a friend, and I am human.
I am living the American Dream, Building our home in Beautiful Moorpark on an acre of land was a dream come true.
A dream that has slowly become a nightmare. After living here for nearly 14 years and raising two children in this home my husband and I have recently faced life threatening health issues.
Have you or a family member ever been diagnosed with an illness, an illness that changed your life as you know it? Turned your world upside down?
On August 31st Chad Walker, my husband and best friend of 22 years shattered his Tibial Plateau (shine bone) while surfing. Did he crash? NO Did he Fall? No
He merely bent his knee. The compressed fracture he incured looked like a hammer had come down on his leg. Surgery took place 6 days later, then therapy, medical bills, and then a shocking diagnosis, He has a severe case of Osteoporosis at the age of 42. No test could answer why, no doctor has a reason why…we are only left to hypothesize why… I must emphasize there is absolutely no family history of this disease in his family, especially at the young age of 42.

Sixty days later my husband finally threw his crutches away…he still walks with a limp and feels his knee every step of his day.
Ten days later I suffered a Grand Mal seizure in the bathroom of our home, a horrific and life altering experience. Eight days later I was diagnosed with a General Genetic type of Epilepsy. I was told not to drive on that day, and my license was officially suspended. I still don't drive, its been 4 and a half months. I serious toll on my family and I. I will take anti-seizure medication for the rest of my life. I am only 39 years old.
Again, I must emphasize there is no family history of epilepsy in my family, none. This was the second seizure I've ever had in my life and they both occurred in my home. Last week I was diagnosed with a complicated cyst on my right ovary the size of a golf ball, I am still waiting for those test results, tumor markers are being looked at to see if I am okay or not.
Why is this happening? We are only left to hypothesize why.

Again I am grateful to be here to share my story and my concerns as a mom, a wife, a human being.

The California Public Utility Commission knows High voltage power lines constitute a radiation hazard to our health, our property value, public safety, our natural resources, and our environment. This is a fact, and a sound argument backed by the opinion of scientific and medical professionals.
Power Lines can generate magnetic strength up to 400 meters away, I live 87 meters away from these 220 kV power lines. Please do not add another 66kV line, Why would you want to? We all know the risks.
Could this new power line be relocated? Absolutely
Why wasn't it? Good question
Because, as Mr. Gonzales put it "because putting it somewhere else would have potential environmental impacts and would have them going outside their current easement."
Remember I live 87 meters away…an easement to close for comfort.

I am entitled to read the Environmental Impact Report, we all are yet Edison fails to procure any study results or agree to relocate the project.
So I ask you California Public Utility Commission …
Where is the report?

RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division
Kimberly L. Prillhart
Director

April 25, 2014

State of California
Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

E-mail: Moorpark-Newbury@esassoc.com

Subject: Permit to Construct Moorpark-Newbury 66 kV Subtransmission Line Project (A.13-10-021)

Dear Mr. Rosauer:

Thank you for the opportunity to review and comment on the subject document. Attached are the comments that we have received resulting from intra-county review of the subject document. Additional comments may have been sent directly to you by other County agencies.

Your proposed responses to these comments should be sent directly to the commenter, with a copy to Laura Hocking, Ventura County Planning Division, L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the appropriate respondent. Overall questions may be directed to Laura Hocking at (805) 654-2443.

Sincerely,

Tricia Maier, Manager
Planning Programs Section

Attachments

County RMA Reference Number 14-006

VENTURA COUNTY WATERSHED PROTECTION DISTRICT
PLANNING AND REGULATORY DIVISION
800 South Victoria Avenue, Ventura, California 93009
Sergio Vargas, Deputy Director – (805) 650-4077

MEMORANDUM

DATE: April 17, 2014

TO: Laura Hocking, RMA/Planning Technician

FROM: Sergio Vargas, P.E., Permit Manager S.V.

SUBJECT: RMA 14-006, Moorpark-Newbury 66 kV Subtransmission Line Project
Notice of Preparation (NOP) of an Environmental Impact Report (EIR)
City of Moorpark, City of Thousand Oaks & Unincorporated Ventura County, CA
Arroyo Simi, Conejo Creek, Gabbert Canyon, Hill Canyon, North Branch Hill Canyon; Conejo Creek Watershed; Zone 3

Pursuant to your request, this office has reviewed the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the construction of the Moorpark-Newbury 66 kV Subtransmission Line Project in the City of Moorpark, City of Thousand Oaks, and the Unincorporated Ventura County.

PROJECT DESCRIPTION

The proposed project is located in the Conejo Creek Watershed. According to the NOP prepared by the State of California Public Utilities Commission (CPUC) dated March 25, 2014, Page 1, the majority of the project has already been constructed prior to November 2011 when the CPUC issued Decision 11-11-019 which ordered Southern California Edison (SCE) to cease all construction activity, provide certain specified information, and to file a permit to construct (PTC) Application in order to complete the project. The Applicant is requesting a PTC for the remaining portions of the Moorpark-Newbury 66 kV Subtransmission Line Project that have yet to be constructed. These include the following sections:

1. Approximately 1,200 feet of new underground 66 kV Subtransmission Line within the Moorpark Substation.

2. Approximately 5 miles of the new Moorpark-Newbury 66 kV Subtransmission Line on the south and east sides of SCE's existing Moorpark-Ormond Beach 220 kV right-of-way.

3. Approximately 3 miles of the new Moorpark-Newbury 66 kV Subtransmission Line within the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line right-of-way. New double-circuited tubular steel poles would carry both

the existing Moorpark-Newbury 66 kV Subtransmission Line and the new Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line.

4. Approximately 1 mile of the new Moorpark-Newbury 66 kV Subtransmission Line within the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line right-of-way into the Newbury Substation. The new lightweight steel poles and tubular steel poles would accommodate the new Moorpark-Newbury 66 kV Subtransmission Line as well as the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line double circuit configuration.

5. New 66 kV subtransmission line positions and associated infrastructure within the Moorpark Substation and the Newbury Substation to facilitate the termination of the new Moorpark-Newbury 66 kV Subtransmission Line.

6. Existing distribution circuitry and telecommunication facilities would operate on the new Subtransmission poles as necessary.

The purpose of the project is to ensure the availability of safe and reliable electric service to meet customer demand in the Electrical Needs Area (ENA) as defined for the project.

WATERSHED PROTECTION DISTRICT PROJECT COMMENTS:

Pursuant to your request, this office has reviewed the subject NOP as prepared by the State of California Public Utilities Commission (CPUC), dated March 25, 2014 and offers the following comments:

1. Based on Figure 1 of the NOP, the proposed project is likely to cross and potentially impact a number of Ventura County Watershed Protection District (District) jurisdictional red line channels including Arroyo Simi, Gabbert Canyon, Conejo Creek, Hill Canyon, and North Branch Hill Canyon. Please identify and label on all maps, figures and exhibits of the environmental document all District jurisdictional red line channels that are located in areas of proposed work.

2. Please include in the environmental document that the method of crossing District jurisdictional red line channels is normally by methods similar to horizontal directional drilling. This should be anticipated on the project plans. The District should be consulted regarding such details as pit setback from channel crossings, depth below invert for crossings, and geotechnical considerations. The determination of the method of crossing may be subject to change upon review of the final design plans.

3. Please identify and discuss in the environmental document if there are any new drainage connections to the District's jurisdictional red line channels as a result of the proposed project.

4. Please include in the Background Setting and other applicable sections of the environmental document the following Ventura County Watershed Protection Ordinance WP-2 standards:

   (i) In accordance with Ventura County Watershed Protection District Ordinance W-2 effective October 10, 2013, no person shall impair, divert, impede or alter the characteristics of the flow of water running in any jurisdictional red line channel, or establish any new drainage connection to a District jurisdictional channel without first obtaining a written permit from the District. Where applicable, Watercourse or Encroachment Permit applications must be submitted to the District for any proposed work.

   (ii) Any activity in, on, over, under or across any District jurisdictional red line channel, including the channel bed and banks of Arroyo Simi, Gabbert Canyon, Conejo Creek, Hill Canyon, and North Branch Hill Canyon will require permits from the Ventura County Watershed Protection District.

   (iii) It is the Ventura County Watershed Protection District's standard for mitigating any increase in impervious area that the peak flow after development shall not exceed the peak flow under existing conditions for any frequency of event.

5. The District requests that all subsequent documentation pertaining to this project be returned to the District for subsequent review and comments.

Thank you for the opportunity to comment regarding compliance with the requirements of the District relative to this project. Feel free to contact me for any further information or if you have further questions.

END OF TEXT

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT

Memorandum

TO: Laura Hocking/Lori Gregory, Planning DATE: April 21, 2014

FROM: Alicia Stratton

SUBJECT: Request for Review of Notice of Preparation for an Environmental Impact Report for the Moorpark-Newbury 66 kV Subtransmission Line Project/A.13-10-021, California Public Utilities Commission (Reference No. 14-006)

Air Pollution Control District staff has reviewed the subject Notice of Preparation (NOP) for an Environmental Impact Report (EIR), which is a proposal to construct the remaining portions of the Moorpark-Newbury 66 kV subtransmission line project that have yet to be constructed. The purpose of the project is to ensure availability of safe and reliable electric service to meet customer demand in the Electrical Needs Area. The majority of the project was constructed prior to November 2011, at which time the CPUC issued an order to SCE to halt all construction activity. SCE has since determined that the project is still needed and now proposes to complete the project.

Once completed, the project would include operation and maintenance of 1,200 ft. of new underground 66 kV subtransmission line within Moorpark substation; five miles of new Moorpark-Newbury subtransmission line on the south and east sides of SCE's existing Moorpark-Ormond Beach right-of-way; three miles of new subtransmission line within the existing Moorpark-Newbury-Pharmacy line right-of-way; one mile of new subtransmission line into Newbury substation; new transmission line positions and associated infrastructure within the Moorpark substation and the Newbury substation to facilitate termination of the new line, and the existing distribution circuitry and telecommunications facility would operate on the new transmission poles as necessary. The project location is in the City of Moorpark, the City of Thousand Oaks and unincorporated Ventura County.

Page 2 of the NOP identifies air quality as an area of analysis to be addressed in the EIR. We concur that air quality impacts will likely result from the project and we recommend that the EIR evaluates all potential air quality impacts that may result from the project. Specifically, the air quality assessment should consider reactive organic compounds, nitrogen oxide emissions and exhaust equipment particulate matter as well as fugitive dust from all construction equipment.

We recommend also that the potential for Valley Fever be addressed in the EIR because of the recent fires and potential Valley Fever disturbance on the project site.

If you have any questions, please call me at (805) 645-1426.

County of Ventura
Public Works Agency
Integrated Waste Management Division
MEMORANDUM

Date: April 18, 2014

Lead Agcy: California Public Utilities Commission
Contact: Michael Rosauer, Moorpark-Newbury@esassoc.com

From: Derrick Wilson, Staff Services Manager
Integrated Waste Management Division

Subject: Notice of Preparation of an EIR for a Permit to Construct the Moorpark-Newbury 66 kV Subtransmission Line Project (A.13-10-021). RMA Reference No: 14-006

The Integrated Waste Management Division (IWMD) has reviewed the project materials circulated by the Ventura County Resource Management Agency on March 28, 2014, and appreciates this opportunity to comment.

The IWMD requests the California Public Utilities Commission to comply, to the extent feasible, with the general requirements of Ventura County Ordinances #4445 (solid waste handling, disposal, waste reduction, and waste diversion) and #4421 (requirements for the diversion of construction and demolition debris from landfills by recycling, reuse, and salvage) to assist the County in its efforts to meet the requirements of Assembly Bill 939 (AB 939). AB 939 mandates all cities and counties in California to divert a minimum of 50% of their jurisdiction's solid waste from landfill disposal. Ordinances 4445 and 4421 may be reviewed in their entirety at www.wasteless.org/ord4445 and www.wasteless.org/ord4421.

Pursuant to IWMD review and responsibilities, the following contract specifications shall apply to this project:

Recyclable Construction Materials

Contract specifications for this project shall include a requirement that recyclable construction materials (e.g., metal, concrete, asphalt, rebar, wood) generated by the project, but not reused on-site, will be recycled at a permitted recycling facility. For a comprehensive list of permitted recyclers, haulers, and solid waste & recycling facilities in Ventura County, see: www.wasteless.org/construction&demolitionrecyclingresources.

Soil - Recycling & Reuse

Contract specifications for this project shall include a requirement that soil that is not reused on-site during the construction phase of the project will be transported to a permitted facility for recycling or reuse. Illegal disposal and landfilling of soil is prohibited. For a comprehensive list of permitted recyclers, haulers, and solid waste & recycling facilities in Ventura County, see: www.wasteless.org/construction&demolitionrecyclingresources.

Green Materials - Recycling & Reuse

The Contract Specifications for this project shall include a requirement that wood waste and vegetation removed during the construction phase of this project will be diverted from the landfill. This can be accomplished by on-site chipping and land-application at various project sites, or by transporting the materials to a permitted greenwaste facility in Ventura County. A complete list of permitted greenwaste facilities is located at: www.wasteless.org/greenwasterecyclingfacilities.

Report Quantifying Materials Diverted from Landfill Disposal by On-Site Reuse or Off-site Recycling

The contract specifications for this project shall include a requirement that all contractors working on the project submit a *Summary Table* to the IWMD at the conclusion of their work. The *Summary Table* must include the contractor's name, address, phone number, the project's name, the types of recyclable materials generated during the project (e.g., metal, concrete, asphalt, rebar, wood, soil, greenwaste) and the *approximate* weight of recyclable materials:

- Reused on-site, and/or
- Transported to permitted facilities for recycling and/or reuse.
- Please include the name, address, and phone number of the facilities where recyclable materials were transported for recycling or reuse in the *Summary Table*.

Receipts and/or documentation are required for each entry in the *Summary Table* to verify recycling and/or reuse occurred, and that recyclable metal, plastic, greenwaste, wood, soil, and/or sediment generated by this project was not landfilled.

Should you have any questions regarding this memo, please contact Pandee Leachman at 805/658-4315.

Allison Chan

From: Christina Nepstad <thesmileinside@yahoo.com>
Sent: Friday, April 25, 2014 1:17 PM
To: Moorpark-Newbury
Subject: Power line objection

My name is Christina Nepstad. I am a resident of Moorpark and live at 10811 Citrus Dr.

I am asking you to please reject the Power Line project. We all thank you in advance for putting human safety before all things.

Thank you!!!!!!!!!!!

Sent from my iPhone

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

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There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

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What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

II. Alternatives – Less Costly, More Environmentally Friendly

A. Co-location with the existing 66 kV

Since the Project first came to public awareness following the 10/3/08 Advice Letter, the County and the community have urged that the project be co-located with the line it is designed to enhance – the Moorpark-Newbury-Pharmacy (M-N-P) 66 kV line, 1,800 feet to the west. This would relieve line stress with little or no environmental damage. [See SCE's General Rates Case 2015, page 61, which describes it as merely replacing conductors with higher rated 954 AC conductors – no new poles, no additional lines.] It is less expensive than the current Project. This is truly the environmentally superior option.

B. Undergrounding

Underground is one of the many options SCE has dismissed as too costly.

C. Locating On West Side Of The 220 kV Towers, Farther From Homes

This was another option SCE declined. Initially it dismissed it as to costly. Later, SCE disclosed it had additional 220 kV towers planned for the west side.

D. Renewable Energy Alternatives

Since the Project's conception, the State of California has witnessed an explosion of solar installations, in private, commercial and industrial settings, with the attendant outcome of an increase in distributed solar.

SCE is required by the State to produce 33% "clean" energy by 2020 [Vivint Solar], which is why it has allowed solar companies to use its grid. And now solar is set to soon become a direct competitor with electricity. Solar storage batteries are coming into play. They program is being implemented and fine tuned in Hawaii and is soon to hit the mainland. Once business and homeowners begin to use batteries as solar stories, the grid will become less necessary, and according to some solar companies, obsolete.

The solar potential of Thousand Oaks is equal to if not greater than Fontana, where SCE's ratepayers are making massive rooftop SPVP investments. In addition to multiple large tracts well suited for ground solar installations, there also are three large shopping malls in the Thousand Oaks/Newbury Substation service area. A number of retail stores already have rooftop solar in place, proof that it is practical for expansion to the retail malls, all within close proximity to the existing facilities. Additionally, the multi-acre campus of Amgen – SCE's largest area consumer – has enormous roof space.

E. Energy Saving Programs Alternative

The EIR should examine the available energy saving programs like:

1. Demand response programs (examples - SmartConnect and TI&TA) and other energy efficiency programs that affect electrical use and peak demand,
2. Programs for HVAC replacement and retrofits for older units, and
3. Installation of approved cycling devices for commercial and newer homes (saves about 15% use).

Note: These programs easily could reduce peak energy demand by 40MW and negate the need for the Oxnard Peaker Plant that is designed to produce 40MW for the Ventura region.

The advantages of these incremental approaches, compared to the Project's infrastructure enhancement, are:

1. As technology and efficiency improve, their costs will decrease.
2. They benefit consumers and the environment with lower overall usage.
3. The environmental and human impact is nearly zero.
4. They are funded based on true demand growth, as needed.
5. They generate more local employment and sales tax revenue.

F. The "No Project" Alternative – Environmental Superior Alternative

At the scoping meeting, you have been instructed to evaluate two "no project" alternatives. You indicated this is quite "unusual." We are not sure if the "unusual" part is that the CPUC might allow SCE to leave poles and footings in place, or that the CPUC might order SCE to remove every piece of its construction. In any case, the latter is the community's top choice.

To secure approval, a project must meet some specific projection of need. Ever since the 10/2/08 Advice Letter, the community has questioned SCE's assessment of "need." *SCE's skewed need projections since 2005 have not been substantiated by actual demand.*

If the need projections were based on 2003-04 actual demand data and the Project was initially conceived in 2004-05, why did SCE wait until late 2008 start this process?

1. Outdated "Need" Data

This Project arose from outdated "need" data spawned by the 2005 "heat storm peak loading" projections that have time and again proven false. [See eg. SCE GRE 2012 – CPUC refused to included the Presidential Substation, serving the same community, as the need was questionable. By inference, the need data is equally weak here.]

The 2003-2004 need data dates back to a different era, before the housing market crash, the recession, the "greening" of America's energy, and the discovery of Enron's fraudulent manipulation of the energy market. SCE's need projections are based on speculative growth, growth that has not materialized in the 9 years since the Project's conception. Rather, decreased need due to the recession, alternative energy sources and energy conservation programs is now documented. Yet, SCE continues to fabricate "need" in a region where additional need is doubtful within the ten-year planning period.

Amgen is likely the greatest consumer in electrical need area. Over the years, the community has watched it grow, and now, shrink. Amgen is cutting another 252 jobs this month, which brings the total to jobs lost to 1,150 since 2007. That means that more than 15% of its workforce is gone. [See Pacific Coast Business Times, on line, 3/6/14.] SCE designed this Project based on projections from 2003 or 2004

data. The shrinking of Amgen's Newbury Park campus has to affect those projections.

2. Fuzzy Math

But the problem goes deeper. There is now ample evidence of SCE's "fuzzy math." On numerous different occasions, it has given the community at least four different forecast dates by which the new 66 kV lines must be energized to avoid overload (and most recently, a drop in voltage):

"2005"	(Source: PEA, Table 2.1-1 – the basis for the Project)
"Late 2010	(Source: Advice Letter 10/8/10}
"Mid-June 2012"	(Source: Lawsuit against farmers July 2011)
"Mid-2016	(Source: 10/28/14 Notice of Application for PTC)

Why do these dates keep changing? Seemingly, at a very minimum, SCE's modeling programs do not work. Its own PEA supporting the Application For PTC reveals the mathematic liberties it has taken.

PEA Table 2.1-1 (attached) documents SCE's *historical projection* of need for 2005 – 2013. The *projected* load exceeds line capacity (920 Amp) *for the entire period*, reaching 967Amp in 2009, then drops to a low of 929 Amp after the anticipated completion of the project. Note: The projection for **2013** was **937** Amp.

Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

4/24/14
Donald Walker
1076 Citrus Dr.
Moorpark CA 93021
805 529 3217

Don Walker

April 24, 2014

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In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

4/24/14

Therese Walker
1076 Citrus Dr.
Moorpark CA 93021
805 428 6394
walkertherese@yahoo.com

Therese Walker

April 24, 2014

Mr. Michael Rosauer, CPUC Environmental Project Manager,
Mr. Mike Manka, Project Director
Mr. Matthew Fagundes, Project Director
c/o Environmental Science Associates
Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108

RE: Moorpark-Newbury Project
Scope of Environmental Impact Report

Dear Mssrs. Rosauer, Manka and Fagundes:

We are so incredibly grateful for your time and effort in meeting with the community to discuss the impending Environmental Impact Report and hear the concerns of our community members. We appreciated very much the opportunity for both.

Mr. Rosauer confirmed that the current EIR order is only to review remaining construction of this Project, although it is already 60% installed by SCE's estimates. Only SCE benefits from such a truncated review. Since it has already completed a significant portion of the environmental disruption the spirit of CEQA would again be subverted. CEQA specifically requires that past projects are to be included in an EIR. How is the 60% not a past project?

The County and the community have consistently urge the CPUC to order an EIR on this previously unexamined right of way. At every turn, the environmental issues that will now be explored were raised and dismissed by the Energy Division. How is it possible the Energy Division granted Exemption G to the Project in 202, despite public outcry, while the Administrative Law Judge in A. 13-10-021 ordered complete environmental examination? Something went horribly wrong.

Mr. Rosauer stated he would bring this issue to the Commission's Legal Division to determine if the scope can be increased to include 100% of the Project. CEQA is served only if the "whole project" is examined. CEQA specifically prohibits the division of larger project into smaller projects that thereby would limit the scope of analysis, precisely what SCE has attempted here. Clearly, CEQA does not allow the kind of piecemealing that has occurred here.

Presently, ESA has been retained to look at only 40% of the project and even less of its environmental impact. It is clear an independent third party looking at this situation would agree that:

1. CEQA requires a full review of past and present projects.

2. The portion already installed by SCE is part of the same Project for which it seeks a permit to construct.
3. The total cumulative environmental impact from the Project includes the work completed to date as well as work yet to be completed.
4. Any Alternative to the Project should require the removal of all installations to date.
5. To avoid a legal challenge in the future, the CEQA review of the Project should be based on the *full project* rather than parsing out the installed portion.

There is no question SCE considers this a single project, as it describes in its Application for PTC: "SCE originally commenced construction of *the Project* in October 2010 under the assumption that the Project was exempt from CPUC permitting pursuant to GO 131-D Section III.B.1.g. ('Exemption G')." Why would the Energy Division limit environmental review to the yet-to-be-built phases ? It defies logic and the facts.

We urge that the Project's EIR "Project Description" be redrafted to include 100% the activities related to the Moorpark-Newbury 66 kV subtransmission line, consistent with SCE's description of the Project. To do otherwise effectively would circumvent CEQA once again.

I. Scope of the Evaluation – CEQA Mandates Analysis of "Whole Project"

A. Entire Moorpark-Newbury 66 kV Project Must Be Reviewed

The authority upon which SCE based its Fall 2010 notice of construction was the 3/20/10 Resolution E-4243. The community immediately challenged the resolution by Petition for Rehearing filed 4/14/10. Rehearing was granted and the resolution vacated 19 months later by CPUC order dated 11/10/11. However, SCE failed to notify the Energy Division that the resolution was under review when it gave construction notice in Fall 2010.

The community believes Resolution E-4243 was secured under false pretenses. SCE manipulated facts and data to gain CEQA exemption:

(1) It characterized the Project as a mere "maintenance operation within an existing ROW," which led the Energy Division to assume the ROW was so disturbed by public uses that review was unnecessary.

(2) It failed to disclose a number of known potentially significant environmental impacts.

(3) It has presented skewed need projections since 2005, none of which have been substantiated by actual demand.

(4) While stakeholders were awaiting further settlement discussions, it restored the draft resolution to the CPUC's agenda, without notice to stakeholders. SCE's misrepresentations and omission provided the grounds upon which approval of Resolution-4243 was based.

Regardless, CEQA does not allow the division of a larger project into smaller projects that thereby would limit the scope of analysis, which is precisely what SCE has manipulated the system into doing.

B. "Whole Project" Should Include SCE's Master Plan

CEQA requires meaningful environmental review of the "whole project."

There is no question SCE knows how it intends to expand and energize its grid. Allowing it to reveal only what it wishes prevents meaningful analysis of the cumulative environmental impact. This piecemeal tactic is calculated to ensure as little regulation as possible.

The community submits that, at a minimum, SCE should disclose, and this EIR should include, any projects affecting the Thousand Oaks, Moorpark and Newbury Park communities, the Moorpark Substation, or the M-N-P and Moorpark-Ormond Beach ROWs, including the recently disclosed gas-generated power plant proposed to be built behind the Moorpark Substation to replace Ormond and Mandalay plants. It should also include the planned a third o 220 kV line on the west side of the Moorpark-Ormond Beach ROW disclosed by SCE just days before the 9/18/09 public hearing – this should be evaluated as part of its plan for the ROW.

What if the Project is simply a justification for requested rate increases? What if Moorpark-Ormond Beach 220 kV lines are no longer needed for Moorpark Substation, and are only part of larger plan to send power outside Ventura County? These are hard fact one should know when examining what this Project takes from the sensitive environment of Ventura County.

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Comparatively, PEA Table 2.1-2 documents SCE's *current projections* for 2013 – 2022. For **2013**, the projected load is now **842** Amp – that's 87 Amp less than SCE's previous projections, and way below capacity. As for the anticipated year in which load will exceed capacity, that is now projected to be 2021, when it will reach 937 Amp (the previous projection for 2013). Can SCE's modeling programs really be this inaccurate?

3. Bottom Line

In reality, *actual peak demand* has dropped from its high point in 2008 and has not gone up. SCE's forecast models seem to anticipate growth no matter what. It has not happened. As protestors forecasted, need has actually declined – whether due to the economic downturn and recession, the tanking of the housing market, the explosion of solar installations, or the effectiveness of energy saving programs already in place – need has declined. Yet SCE's consistently uses its data to tell a different and highly questionable story. Here, SCE does not plan to resume construction of the Project until late 2016 – Where is the pressing need?

Add to this the likely closure of SCE's power plants at Ormond Beach and Mandalay Bay under AB 248, the future efficacy of the entire 220 kV transmission corridor comes into question.

We strongly urge the "no project" alternative requiring SCE to dismantle construction to date be found the Environmentally Superior Alternative, under CEQA Section 15126.6 (2), especially given the lack of demonstrated need.

III. Environmental Issues

This ROW in question has never undergone environmental review. The 1970 condemnation order that created it predates CEQA. After the 220 kV towers were built in the early 1970's, the ROW was allowed to revert to its bucolic origins. The north-south run of the 9-mile Project cuts through orchards, farmland, protected sensitive habitat, riparian resources, and known historical resources. It straddles the active Simi-Santa Rosa Fault and is embedded in a region known for its high fire hazard. It traverses three jurisdictions and four distinct regions. It twice rises and drops approximately 1,000 over the Santa Rosa Valley ridge and the Conejo Valley ridge.

The ROW forms the eastern boundary of the 2-mile wide "greenbelt" that runs from north to south through Santa Rosa Valley and separates it from the City of Camarillo. It is a continuous swath of open space and agricultural land. [The existing M-N-P 66 kV ROW lies entirely within this greenbelt.] Before SCE's construction activities in 2011, the only "disturbance" within this 7+ mile stretch of the ROW were the 220 kV tower footing built in the early 1970's, visually softened by the plants and trees that had grown around and between them in the decades that followed.

The residentially zoned communities of Santa Rosa Valley and Moorpark grew up to the east of the ROW. The 220 kV towers were constructed in the approximate center of the 325' wide ROW. Its previously unused, undisturbed eastern flank was a strip of land more than 100 feet wide. The County could rely on this generous 100+ foot "buffer zone" in allowing residential development of the land to the east. To our knowledge, all of those homes to the east were between 1975 and 1989-90.

The Notice Of Preparation touched on nearly all of the environmental issues below. However, this discussion will highlight the specific ways in which they apply.

A. Hazards – Public Safety

The California Environmental Health Investigations Branch of the California Department of Public Health has taken the position *no group of people should bear a disproportionate share of harmful environmental consequences*. In this case, residents along the ROW are already bearing the burden of the Moorpark-Ormond Beach 220 kV lines and their deleterious effects –noise, EMF, heightened danger of brushfires and downed lines in an earthquake, not to mention negative aesthetic impacts and loss of property value. How much is enough for one community to bear?

1. Brushfire

The Setting: About one mile west of the Gabbert Road Substation in Moorpark, the Project hooks sharply to the south. Its remaining 8 miles plow through farmland and protected open space. From the moment it angles southward, the new line's entire path falls within an area designated by Cal Fire as a "Very High Fire Hazard Severity Zone." Native brush still cloaks all of the two ridgelines that create Santa Rosa Valley. The southern ridge is land protected by the Conejo Open Space Conservation Agency. The northern ridge is part of the property on which our home is built.

The Issues: At least four of the state's most catastrophic fires were ignited by downed power lines in the relatively recent past. Five catastrophic fires were caused by downed lines in 2007 and 2008 .

The loss of life and property attributable to electrically ignited brushfires is staggering. Wind-driven brushfires no longer adhere to a "red flag" season; the season is year-round. As noted above, the ROW traverses an extremely fire-sensitive, rural residential region. The increased number of lines, the proximity of existing conductors to proposed conductors, and the Project's closer proximity to homes, *per se* heighten the statistical probability of electrical ignition. SCE's 66 kV Project moves this ignition source within 40 feet of residential properties.

2. Earthquake

Turning to the phenomenon of earthquakes, the underlying *active* Simi-Santa Rosa Fault is further evidence of the ROW's sensitive environment, one that has never undergone environmental study. Environmental review should include site-specific geological surveys to identify geological hazards, identifying areas of slope instability, landslides, expansive soils, or areas of tectonic activity, collection of samples for carbon dating to determine if it is safe to undertake construction in this area.

The new 66 kV line compounds the risks of property damage and personal injury or death if a pole were to topple into the 220 kV lines, or onto residential properties or the two highways it bisects. There is a very real potential for significant impact to the public and area residents.

By way of illustration, during the 1994 Northridge earthquake (with its epicenter 9 miles to the southeast), local residents watched the 220 kV lines arc and send cascades of sparks toward the ground. Fortunately, this quake happened in the middle of a green January and no fire resulted. Given the change in our climate, the community cannot rely on rain to insulate it from highly flammable brushfire conditions. In a larger quake, or a quake on the Simi-Santa Rosa Fault, it also cannot rely on the lines staying affixed to their poles. This could prove catastrophic.

3. Electromagnetic Field (EMF) Exposure

The CPUC has a long-standing policy of prudent avoidance of EMF exposure. Co-locating the new line with the existing M-N-P facility 1,800 to the west of our communities would be a lower cost alternative to the proposed project that brings lines within 40 feet of residential properties. This would be the "low cost" option.

The "no-cost and low-cost" standard the CPUC adopted was an action plan established in CPUC Decision 93-11-013. The fact that the CPUC has not promulgated any further guidelines, but this does not diminish the potentially significant impact of EMF, or the necessity for environmental review. The unhealthy impact of EMF exposure is real and documented. This is a significant issue warranting study in this EIR. The compound impact of even more lines, closer to homes, should be addressed. Again, how much is enough for one community to bear?

B. Particularly Sensitive Habitat - USFWS Designation

The United States Fish and Wildlife Service has designated large areas of the Santa Rosa Valley "Particularly Sensitive Habitat" with know protected species of animals and plants.

For example, sensitive plants—i.e., Lyon's Pentacheata and Conejo Dudleya—are known to exist in the Project area, as well as protected avian species—i.e., the Least Bells Vireo and California Gnatcatcher. [See Ventura County General Services Agency, Mitigated Negative Declaration LU 04-0064 (Endangered species observed in the project area p.13) http://www.earsi.com/public/MND_SR_Park.pdf] The recent discovery of the endangered red-legged frog in the Simi Valley hillsides raises the question of other protected species that may be identified through a thorough and unbiased examination of the area.

SCE scoffed at this potential impact, saying its focus study failed to reveal any of the protected species present. However, even if none were present at the time, the Project has the potential of significant impact on all of them because of the *resultant loss of habitat*. Conducive habitat has independent value as its loss impacts the recovery of the species.

This project has resulted, and will result, in a disturbance and loss of habitat. Its construction efforts to date have thereby endangered animal and plant species known to exist in the area. Already more than 14 acres of land have been disturbed. Future efforts will only compound this disruption. It is essential the EIR address the negative impact of: (1) habit loss, (2) physical "take" of species and (3) the impairment of species recovery.

C. Riparian Resources

This project spans four riparian streambed resources. No jurisdictional delineations have been included in the Project description. *Any impact to riparian resources is considered significant* and requires discretionary permits from the US Army Corps (404 Permit), CDFG (1602 Streambed Alteration Agreement) and RWQCB (401 Water Quality Certification) and possibly a USFWS 10A Permit. Mitigation will be required for impacts to jurisdictional waters.

D. Historical and Cultural Resources

The County and public have continuously voiced concern for the archeological resources in Santa Rosa Valley. It was once home to the largest Chumash community in this region. SCE knew the Santa Rosa Valley was an area rich in Chumash historical and cultural resources. [See letters attached to SCE's Response to the Data Request Set, 2/3/14.

E. Public Viewshed – Aesthetics

Santa Rosa Valley and the unincorporated hillsides of Moorpark provide a glimpse of what the open space of Ventura County once looked like. Both areas provide scenic pastoral views for all who pass through or have the privilege of living nearby. In the four decades since its construction, even the Moorpark-Ormond Beach 220 kV ROW had reverted to this greenbelt of agriculture and open space.

There are no "public Improvements" in the north-south run of the ROW in question. There is *no public access* to it. Private driveways and dirt farm roads provide the only access to these widely spaced tower bases, which had remained in their current configuration—virtually untouched. There were *no other SCE "improvements"* in the span between tower bases. Almost every set of towers in the north-south run had crops, orchards and native brush growing around and between their footings. For the most part, the line was *rarely patrolled*; *maintenance visits were few.*

As so aptly put by Santa Rosa Valley's Municipal Advisory Committee Member, Mark Burley, at the September 2009 CPUC Public Hearing, the exquisite beauty of this rural agricultural and protected open space region is dying the "death of a thousand cuts" at the hands of SCE's piecemealed projects. One need only look at the overhead web of lines crisscrossing the Santa Rosa and Moorpark Roads intersection at the light north of Santa Rosa Technology Magnet School. It is unconscionable.

The proximity of new poles to residences surely has and will negatively impact the property of contiguous and adjacent homes.

F. Land Use and Planning

Since 2008, the Ventura County Board of Supervisors has expressed concern over the lack of environmental review for this Project. It has actively tried working with SCE to address its land use concerns – namely an alternative, any alternative that will move the lines farther from homes or underground. SCE has stonewalled these efforts. Consequently, the Board issued a resolution opposing it and the now tabled Presidential Substation and requesting alternatives consistent with County's land use and planning goals.

Damon Wing of Supervisor Linda Parks' office presented the County's position at the Scoping Meeting. He reiterated the Board's consistent concern that this Project has had no environmental review, and urged that any impacts that have occurred subsequent to the 2008 Advice Letter be comprehensively reviewed. He again urged that the line be moved farther from homes.

G. Agricultural and Forestry Resources

As SCE began work on the Project, it contacted farmers, demanding they remove decades-old orchard trees. After convincing a judge it was *urgent* it begin construction by 8/8/11, it cut down several hundred trees in August and mandated farmers never replant these areas. As a result, several acres have been rendered permanently un-farmable.

Additionally, at the dead end of Presilla Road stood an enormous and very old eucalyptus tree, nearly 100 feet tall with a 12-½ foot trunk girth – a designated "Heritage Tree" per the Ventura County Tree Protection Ordinance. This tree visually softened the "industrial" impact of the existing transmission facilities. In August 2011, SCE demolished it; it took days. Not much later, a crew arrived to cut down three additional very mature eucalyptus trees in the same tree line but on the *west* side of the easement, where no construction was even planned.

Off Gerry Road, another farmer was forced to give up an old California Peppertree growing within the 325' wide easement, nowhere near the 220 kV towers or the proposed construction. There may have been any number of other mature and/or protected trees demolished in SCE's construction efforts—construction that was undertaken under the authority of a Resolution granted under false pretenses and later overturned by the 11/10/11 Order Granting Rehearing.

These trees were part of the vegetative mitigation that had grown in and around the ROW in the past 40 years. Some of them predated it. The local community had long enjoyed the visual mitigation provided by all of these trees.

H. Noise

Even at distances of 1,000 feet from the existing 220kV lines, in the evenings, one can hear the constant crackle coming from them. It is loud, continuous, and

alarming to say the least. An additional line even closer to homes would only exacerbate the burdensome noise pollution that currently exists.

IV. Conclusion

These proposed power lines run straight through two rural communities. Most of us living here purposefully moved away from the suburbs a means of providing a "safe haven" for us and our families. The information above lends very little to feeling "safe" (whether for the humans, the wildlife, or the surrounding natural habitat) and certainly depletes if not negates the idea of a "haven". No community, whether rural or otherwise, should be subjected to such a burden.

According to nearly a decade of commentary by Sperling's "Best Places" to live, Moorpark, California is a great place to raise a family. Tragically, for families and property values alike – but most importantly for our children – this may all come to a crashing end, as Moorpark has recently been designated as a cancer cluster. Many fingers are pointing to the electromagnetic fields as a cause for so many cases of childhood leukemia and other cancers.

As you absorb the facts and the legalities of this situation, please also take us, the people, the families, the land owners and dwellers, into serious consideration—we are the human environmental impact of this Project. We know making this evaluation and the ultimate decision will be but a flash in the pan for the ESA and the CPUC. It is a lifelong decision for the residents of these communities.

We sincerely appreciate your thoughtful and thorough consideration.

DATED: 4/25/14

(805)

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June 1, 2014

Mr. Michael Rosauer
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Moorpark-Newbury Project
550 Kearny Street, Suite 800
San Francisco, CA 94108
AND
Mr. Mike Manka, Project Director
Mr. Matthew Fegundes, Project Director
1425 N. McDowell Blvd., Suite 200
Petaluma, CA 94954

RE: Moorpark-Newbury Project
SUPPLEMENTAL SCOPING COMMENT WITH ATTACHMENT

Dear Mssrs. Rosauer, Manka and Fegundes:

We have been working feverishly in an effort to discover the simplest, most economic and least ecologically impactful alternatives that would satisfy the need SCE's Project seeks to address. It has been quite a challenge to uncover and amass information from the diverse sources, some of which are less transparent that others (for instance, we are still negotiating with SCE to get any information beyond what is in the PEA). The attached document summarizes the results of our independent research.

We have identified ten alternatives, eight of which would address the entire projected shortfall delineated in SCE's PEA Table 2.1-2. (We use this "projected shortfall" as a benchmark only as we dispute the projected loading.) One in particular would match the capacity of the existing Moorpark-Newbury-Pharmacy line to the Newbury Substation (920 Amp), return the Newbury substation to its pre-2005 capacity *and* re-establish the lost third power source for Newbury

Historically, the Newbury Substation was connected to the substation at Cal State University Channel Islands [CSUCI] known as CAMgen. In 2005, an approximate one-mile stretch of this connection was severed. Shortly thereafter, SCE began planning the proposed Moorpark-Newbury Project, first noticed in October 2008.

To re-connect this existing 66 kV Newbury Substation line to CAMgen would require a short 1.5-mile run of line from CAMgen predominantly along public roadway (Potrero Road). We also believe the Site Authority of CSUCI may be interested in pursuing this alternative.

The remaining nine alternatives are likewise viable and could be implemented individually or in concert, as need dictates to meet projected loading.

We urge you to consider these ten newly identified alternatives in conjunction with your environmental review of this proposed project. We apologize that this information has come to light after the close of the comment period, but we believe they are all tenable, less costly and more environmentally friendly than the nine-mile project that SCE has proposed.

Sincerely,

/S/_____ /S/_____

ALAN LUDINGTON PEGGY LUDINGTON

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

SUPPLEMENTAL SCOPING COMMENT ATTACHMENT

SCE's Project Justification

> "In 2005, SCE initiated the Project in Ventura County (PEA Figure 1.1-1). The Project was first identified to address forecasted overloads on a section of the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (a.k.a. Moorpark-Newbury tap). In addition, the Project also would enhance reliability and operational flexibility in the Electrical Needs Area (ENA). The ENA is defined as the area served by Newbury Substation and Pharmacy Substation within the Moorpark 66 kV Subtransmission System (PEA Figure 1.1-2)."

The primary cause for the conditions outlined in the PEA was the 2005 loss of the third circuit to Newbury substation that ran from CAMgen substation to the Newbury substation. As part of the conversion of California State Mental Hospital to the CSU Channel Islands campus, the Site Authority took over the ownership of the land and CAMgen. The route of the CAMgen to Newbury line was slated for use as homes and townhouses for CSUCI Faculty and Students. SCE lost the right to place poles on the land after the land was transferred to the Site Authority. The map below identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow represents the lines currently in place and the green represents the line removed as part of the transfer of the land to the CSUCI Site Authority. The red pin is the CAMgen substation and the orange pin is the terminus of the line that still connects to Newbury.

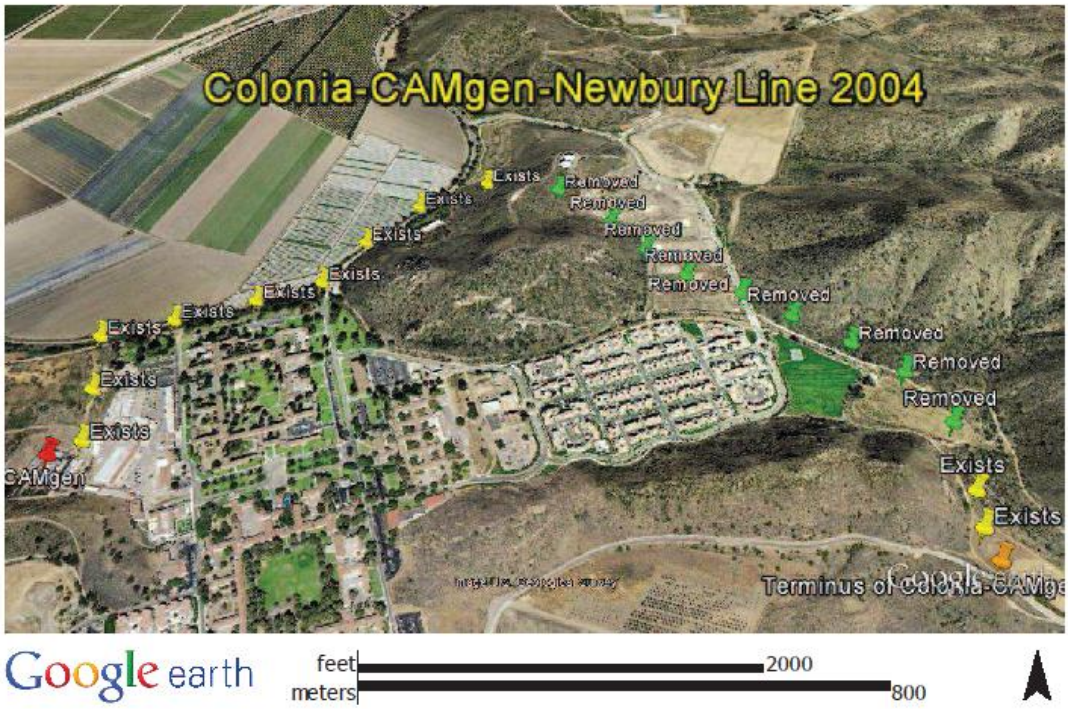

Table 2.1-1: Historical Projected Overloading of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions)

Forecast Year	Line Capacity	Projected Load	% Loading	Year of Projected Overload
2005	920 A	952 A	103.5%	2005
2006	920 A	942 A	102.0%	2006
2007	920 A	963 A	105.0%	2007
2008	920 A	926 A	100.7%	2008
2009†	920 A	967 A	105.1%	2009
2010†	920 A	950 A	103.2%	2010
2011‡	920 A	939 A	102.2%	2014
2012‡	920 A	929A	100.9%	2014
2013	920 A	937 A	101.8%	2021*

Notes:

† SCE's Moorpark System 66 kV subtransmission line forecasts for 2009-2018 and 2010-2019 were completed in megavolt-amperes (MVA), but have been reproduced in amperes (A) here for consistency and ease of reference.

‡ As discussed above, SCE's original Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts assumed that the Project had been constructed and operational since 2011. Therefore, those forecasts did not identify a date by which overloads on the Moorpark-Newbury tap would occur. In contrast, the data in this table reflect the remodeled Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts (which take into account the fact that the Project has not been constructed and has not been operational) and demonstrate that those remodeled forecasts would have projected an overload in 2014.

* Although the line overload is forecasted to occur in 2021 under normal system conditions, the Project is needed in 2020 to address a forecasted voltage drop of 5.18% that would exceed the acceptable 5% limit during an abnormal (N-1) system condition.

Accordingly, the Project is needed to address overload conditions on the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line which are forecasted to occur in 2021 and in subsequent years (as shown below in Table 2.1-2).

Table 2.1-2: Projected Loading on the Existing Moorpark-Newbury Segment of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions) from the 2013-2022 Forecast

Year	Line Capacity	Projected Load	% Loaded
2013	920 A	842 A	91.7%
2014	920 A	845 A	92.0%
2015	920 A	855 A	93.1%
2016	920 A	876 A	95.3%
2017	920 A	890 A	96.9%
2018	920 A	899 A	97.9%
2019	920 A	891 A	97.0%
2020	920 A	914 A	99.6%
2021	920 A	937 A	101.8%
2022	920 A	957 A	104.2%

SCE's Projected Loading

SCE's PEA contains limited information regarding the Projected Loading on the current Moorpark-Newbury-Pharmacy line. Although additional data has been requested, it is clear from the data supplied in PEA Tables 2.2-1 and 2.1-2 (above) that the Projected Loading is overstated. To support this statement, the following data is supplied.

1. SCE predicted an Overloading in each of the last 9 years 2005-2012; however, an Overloading event has never occurred on the Moorpark-Newbury-Pharmacy line.

2. The predicted Projected Loading by SCE has ranged from a high of 967 Amps ("A"), with the lowest of 926 A for year 2008; however, the current Loading is at 842 A.

3. The only public data on Peak Demand in the same city was the data published on the Presidential Substation which shown that the Peak Demand in MW dropped by 12% from 2008 to 2013. Similarly, the Projected Loading of the current Moorpark-Newbury-Pharmacy line in 2008 of 926 A has dropped to 842 A in 2013, or a decline in actual Loading of 9%, in the same time period.

4. Known projects at the Hill Canyon Wastewater Treatment Plant [HCTP], which is in the ENA and served by the Newbury substation, will save over 17 A in 2014. The SCE projection for ENA growth in 2014 is 3 A. This would indicate that other customers in the ENA would drive growth by 20 A and it is unclear where the 20 A of growth would occur given the decline over the last 5 years of 9% in the actual Loading.

5. The ENA consists of a fully built up portion of the City of Thousand Oaks. The Moorpark-Newbury-Pharmacy line loading has dropped 1.5% per year since 2008; however, SCE projects that it will reverse to a growth of 1.5% per year. The growth rate of 1.5% is not explained or supported in the assumptions of the PEA.

6. Several factors will influence the Projected Loading in 2014, most would reduce Projected Loading. They include but are not limited to:

    A. All small and medium businesses are now on Time of Use rating. TOU will impose a surcharge on use during peak time, encouraging conservation for the majority of businesses, which in turn will lower Peak Demand and Loading.

    B. SmartConnect is still in the learning and adoption stage. The bulk of the 5% reduction in peak demand expected from SmartConnect, which directly impacts Projected Loading, is yet to be realized.

C. The largest employer in the ENA, AMGEN, continues to reduce employee head count. Amgen has reduced employees by 15% since 2007 peak. Reductions in employees will result in a lower HVAC requirement and lower Projected Loading attributed to the facility.

D. Prop 39 will provide significant resources to the Conejo Valley Unified School District. Prior to passage of Prop 39 there were 3.6 MW or 32 A of projects expected in the ENA by the CVUSD. As in the case of HCTP it is unclear if currently planned projects for the CVUSD or new Prop 39 projects were considered in the Projected Loading.

Given the significant impact of items A-D that will likely reduce the Loading for 2014, it would seem prudent to review the actual Loading after the effects are realized.

Project Alternatives

The GRC 2015 budget request for the new Moorpark-Newbury line suggests that there are only two Alternatives. SCE advances the need for a new dual circuit 66 kv line and abandons the alternative of upgrading the currently Moorpark-Newbury-Pharmacy line. That second Alternative, acknowledged by SCE, is the upgrade of the conductors of the two circuits supplying the Newbury Substation.

The type and scope of the ten additional proposed Alternatives to the project would yield a total of 1,685 A. They are offered as a menu of projects that can be authorized to offset the Projected Loading shortfall of 37 A. The ten Alternatives are based on proven technologies, all of which can be implemented within 2-3 years to avoid any Overloading condition. These ten alternatives we recently have identified are:

1. **Re-connect the Colonia-CAMgen-Newbury line to CAMgen substation.**

Approximately 1.5 miles of 66 kV circuit can be installed on public right of way (Potrero Road) to restore the third circuit and additional Amp capacity to Newbury Substation. Assuming that the line is reconnected with the lower rated conductor of 653.9, approximately 920 A would be added in capacity to the current 920 A. The two circuits would total 1840 A, which is significantly higher than the 957 Amps projected by SCE for the ENA in 2022.

2. **Have the major commercial sites in the ENA enroll a portion of their 50.7 MW of back-up generators into a demand response program**.

If only 50% of the customers accepted the natural gas upgrades the 50.7 MW would reduce the Amp draw on the Moorpark-Newbury-Pharmacy line from a projected 957 A

to only 737 A. The resultant Loading of 737 A is well under the 920 A rating of the existing Moorpark-Newbury-Pharmacy line.

3**. Install 10 MW of rooftop or centralized thermal storage units in the commercial section of the ENA.**

The installation can either be one-time or incremental to match SCE's projected growth in Amps of 1.5% annually. The commercial area north of SR101 at Borchard Rd includes many large commercial structures ideal for thermal HVAC thermal storage. The 10 MW of thermal storage would reduce the peak demand by 87 A to 870 A compared to a rating of 920 A.

4. **Install solar PV on selected commercial rooftops throughout the ENA.**

There are 0.9 MW of solar projects postponed in the Newbury zip code of 91320. If funded, in lieu of a 66kV line, the impact would negate the one year of projected growth.

5. **Increase the capacity of the existing conductors of Moorpark-Newbury-Pharmacy and Thousand Oaks-Newbury lines.**

This would increase the Amp capacity to approximately 1000 A and well over the project 957 A. This Alternative is the only Alternative to the new Moorpark-Newbury lines that is discussed in the PEA and the GRC 2015.

6. **Re-Connect the CAMGen generating station on CSU Channel Islands campus to provide 28+ MW of generation through the reconnected Colonia-CAMGen-Newbury line.**

A retrofit of the CAMgen facility, with waste heat recovery, could increase the saleable energy to 35-50 MW. The 28 MW is partially allocated to the CSUCI campus, leaving approximately 25 MW or 220 Amps for Newbury's ENA. The re-connection of the CAMGen plant would reduce the Projected Loading to 737 A, well under the current line rating of 920 A

7. **Convert the 5.4 MW of stand-by generation at the Hill Canyon Treatment Plant [HCTP] to SGIP with a retrofit to natural gas to meet emissions standards**.

The 5.4 MW would reduce the Amps on the Moorpark-Newbury-Pharmacy circuit by 47 A and reduce the projected peak Amps from 957 A to 910 A, below the rating of the current line of 920 A.

8**. Increase generation and reduce peak demand at the HCTP.**

The HCTP is connected to the Newbury Substation and has significantly reduced its peak demand in 2014 by .5 MW through EE, SGIP and Solar PV. In addition, there is additional capacity to increase the Bio Gas and solar PV generation by 1.6 MW. The combined impact of changes in 2014 and the available installs total 2.1 MW or 18 A.

9. **Implement pending Conejo Valley Unified School District [CVUSD] energy project**s.

The CVUSD has numerous facilities located in the ENA. CVUSD has done extensive energy audits and Solar PV feasibility analysis. The pending projects would generate 4.2 MW or 37 A. These projects when implemented would reduce the Projected Loading to 920 A, the current capacity of the Moorpark-Newbury-Pharmacy line.

10. **Implement Solar PV projects in the ENA.**

The GRC 2012 settlement with Vote Solar provides for a Solar PV projects to be considered in an RFP as an Alternative to a Transmission/Distribution project. The ENA provides an excellent site for implementation of the Settlement RFP given the large number of commercial flat rooftops, the solar index, the concentration of buildings, and the 9 years before the Projected Loading may exceed the current capacity of 920 A. In addition to the rooftop solar PV, there are numerous disturbed sites that would support a ground install of 5 MW (or 44 A) to bring the Projected Loading below the current rating of 920 A.

The type and scope of these Alternatives total 1,685 A. They are suggested as a menu of potential projects to offset the Projected Loading shortfall of 37 A. These Alternatives are based on proven programs and technologies and can be implemented within 2-3 years, well before the Projected Loading Overloading of 37 A in 2021.

The Table below summarizes the Increased Capacity and Load Reduction for each of the ten Alternatives:

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Alternative to Proposed New Moorpark-Newbury Line	Increased Capacity Amps	Load Reduction Amps	
Reconnect to Colonia-CAMgen	920		
Demand Response for Generators		220	
Commercial HVAC Thermal Storage		87	
Commercial Solar PV withdrawn		12	
Upgrade to 954 Conductors	80		
Re-Connect CAMgen Generator	220		
Convert HCTP to Peaker	47		
HCTP 2014 Project Impact		18	
CVUSD Projects in 91320		37	
VoteSolar RFP for 5MW		44	
	1267	418	1685

NOTE: The amount of Projected Loading Shortfall in 2022 per Southern California Edison is 37 A compared the range of Alternatives totaling 1,685 A.

The CAMgen RE-Connect Option, Alternative #1:

As can be seen in the above table, the Alternative alone would meet the projected needs of the Newbury ENA at an estimated cost of $1 million. A site map is provided below.

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Map Of the CAMgen Re-Connect Alternative

The map identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow pins represent the lines currently in place. The green pins represent the lines removed as part of the transfer of the land to the CSUCI Site Authority.

The lowest red pin on the map is the CAMgen substation site. The orange pin is the terminus of the 66 kV line already connected to Newbury. The blue solid line on the southern border of the map represents the route option for Re-Connect Alternative (one of ten Alternatives being suggested). The line depicts the re-connection of the severed Colonia-CAMgen-Newbury line Alternative on 1.5 mile of existing right of way as a pole replacement project. There is no project estimate from SCE for the reconnection. The terrain is public roadway (Potrero Road), so it is expected this would cost less than $1 million (roughly $0.6 million per mile of TSP with 66kV circuit). It would entail little environmental disturbance as it is simply a pole replacement project in the 1.5 mile area where the re-connection would be established.

Santa Rosa Valley Municipal Advisory Council

Rosemary Allison, Mark Burley, Kevin Cannon, Janis Gardner, Ruth Means

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June 20th 2014

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AND

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Petaluma, CA 94954

SUPPLEMENTAL SCOPING COMMENT

Re: Moorpark-Newbury Project Notice of Preparation

Dear Mr. Rosauer, Mr. Manka and Mr. Fegundes,

This letter is further to the letter from Santa Rosa Valley Municipal Advisory Council regarding this proposed project, dated April 18th 2014.

A number of new facts regarding the Newbury-Moorpark proposed project have come our attention since then. The MAC met with members of the community who recently identified and brought to our attention nine additional alternatives to the proposed Moorpark-Newbury 66 KV line project.

They are summarized in the attachment. Eight of these, if implemented singularly, would completely address the proposed project's "need" based on the loading projection. It is important to note that these newly identified alternatives greatly exceed the expected "need" with little or no impact to the environment.

One of the nine new alternatives is the reconnection of the CAMgen generation and substation to the Newbury substation. This alternative solves three issues. It would:

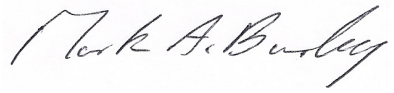
1. Double the capacity provided by the existing Moorpark-Newbury-Pharmacy line,
2. Return the Newbury substation to its pre-2005 capacity
3. Re-establish the lost third power source for the Newbury Substation.

The remaining eight alternatives are also viable and could be implemented on an as needs basis over the next 2-3 years. These are all less expensive and would do less damage to the environment than the proposed project that will bisect our community and abut residential properties.

On June 19th 2014 the Santa Rosa Valley MAC voted on and passed a resolution to request that you consider these newly identified alternatives as part of your environmental review of this project.

Please confirm that these alternatives will be included in the scope of this EIR.

Sincerely,



Mark Burley,
SRV MAC member

CC: Ventura County Supervisor Linda Parks

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

SUPPLEMENTAL SCOPING COMMENT ATTACHMENT

SCE's Project Justification

> "In 2005, SCE initiated the Project in Ventura County (PEA Figure 1.1-1). The Project was first identified to address forecasted overloads on a section of the existing Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (a.k.a. Moorpark-Newbury tap). In addition, the Project also would enhance reliability and operational flexibility in the Electrical Needs Area (ENA). The ENA is defined as the area served by Newbury Substation and Pharmacy Substation within the Moorpark 66 kV Subtransmission System (PEA Figure 1.1-2)."

The primary cause for the conditions outlined in the PEA was the 2005 loss of the third circuit to Newbury substation that ran from CAMgen substation to the Newbury substation. As part of the conversion of California State Mental Hospital to the CSU Channel Islands campus, the Site Authority took over the ownership of the land and CAMgen. The route of the CAMgen to Newbury line was slated for use as homes and townhouses for CSUCI Faculty and Students. SCE lost the right to place poles on the land after the land was transferred to the Site Authority. The map below identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow represents the lines currently in place and the green represents the line removed as part of the transfer of the land to the CSUCI Site Authority. The red pin is the CAMgen substation and the orange pin is the terminus of the line that still connects to Newbury.

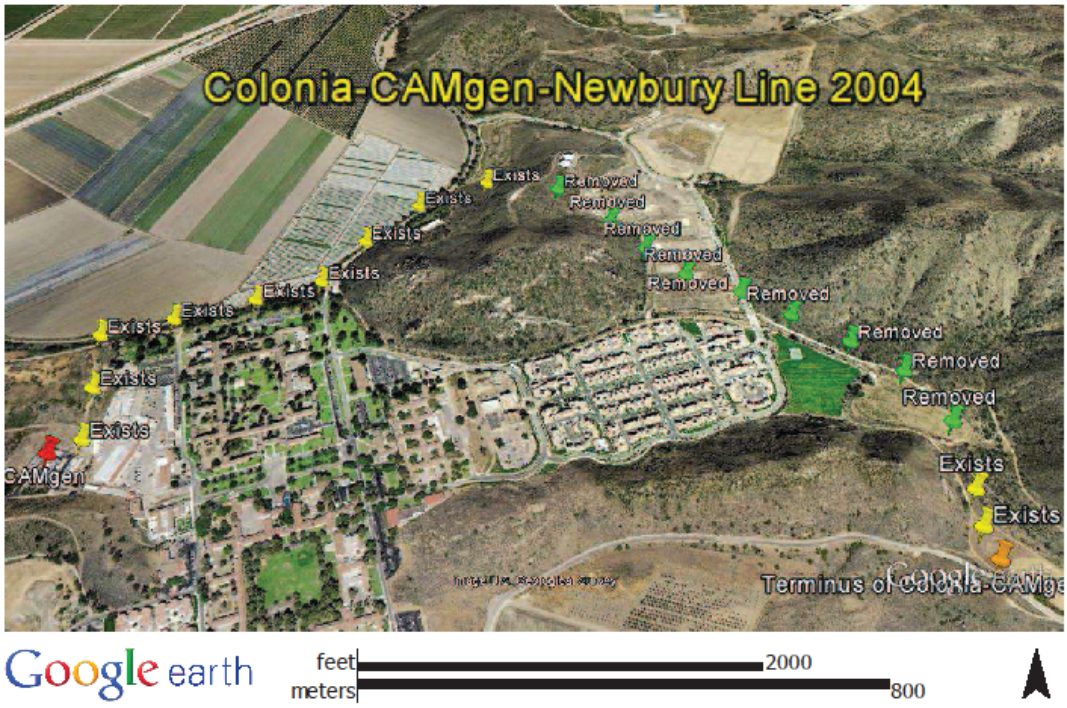


Table 2.1-1: Historical Projected Overloading of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions)

Forecast Year	Line Capacity	Projected Load	% Loading	Year of Projected Overload
2005	920 A	952 A	103.5%	2005
2006	920 A	942 A	102.0%	2006
2007	920 A	963 A	105.0%	2007
2008	920 A	926 A	100.7%	2008
2009†	920 A	967 A	105.1%	2009
2010†	920 A	950 A	103.2%	2010
2011‡	920 A	939 A	102.2%	2014
2012‡	920 A	929A	100.9%	2014
2013	920 A	937 A	101.8%	2021*

Notes:

† SCE's Moorpark System 66 kV subtransmission line forecasts for 2009-2018 and 2010-2019 were completed in megavolt-amperes (MVA), but have been reproduced in amperes (A) here for consistency and ease of reference.

‡ As discussed above, SCE's original Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts assumed that the Project had been constructed and operational since 2011. Therefore, those forecasts did not identify a date by which overloads on the Moorpark-Newbury tap would occur. In contrast, the data in this table reflect the remodeled Moorpark System 66 kV subtransmission line 2011-2020 and 2012-2021 forecasts (which take into account the fact that the Project has not been constructed and has not been operational) and demonstrate that those remodeled forecasts would have projected an overload in 2014.

* Although the line overload is forecasted to occur in 2021 under normal system conditions, the Project is needed in 2020 to address a forecasted voltage drop of 5.18% that would exceed the acceptable 5% limit during an abnormal (N-1) system condition.

Accordingly, the Project is needed to address overload conditions on the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line which are forecasted to occur in 2021 and in subsequent years (as shown below in Table 2.1-2).

Table 2.1-2: Projected Loading on the Existing Moorpark-Newbury Segment of the Moorpark-Newbury-Pharmacy 66 kV Subtransmission Line (During Normal System Conditions) from the 2013-2022 Forecast

Year	Line Capacity	Projected Load	% Loaded
2013	920 A	842 A	91.7%
2014	920 A	845 A	92.0%
2015	920 A	855 A	93.1%
2016	920 A	876 A	95.3%
2017	920 A	890 A	96.9%
2018	920 A	899 A	97.9%
2019	920 A	891 A	97.0%
2020	920 A	914 A	99.6%
2021	920 A	937 A	101.8%
2022	920 A	957 A	104.2%

SCE's Projected Loading

SCE's PEA contains limited information regarding the Projected Loading on the current Moorpark-Newbury-Pharmacy line. Although additional data has been requested, it is clear from the data supplied in PEA Tables 2.2-1 and 2.1-2 (above) that the Projected Loading is overstated. To support this statement, the following data is supplied.

1. SCE predicted an Overloading in each of the last 9 years 2005-2012; however, an Overloading event has never occurred on the Moorpark-Newbury-Pharmacy line.

2. The predicted Projected Loading by SCE has ranged from a high of 967 Amps ("A"), with the lowest of 926 A for year 2008; however, the current Loading is at 842 A.

3. The only public data on Peak Demand in the same city was the data published on the Presidential Substation which shown that the Peak Demand in MW dropped by 12% from 2008 to 2013. Similarly, the Projected Loading of the current Moorpark-Newbury-Pharmacy line in 2008 of 926 A has dropped to 842 A in 2013, or a decline in actual Loading of 9%, in the same time period.

4. Known projects at the Hill Canyon Wastewater Treatment Plant [HCTP], which is in the ENA and served by the Newbury substation, will save over 17 A in 2014. The SCE projection for ENA growth in 2014 is 3 A. This would indicate that other customers in the ENA would drive growth by 20 A and it is unclear where the 20 A of growth would occur given the decline over the last 5 years of 9% in the actual Loading.

5. The ENA consists of a fully built up portion of the City of Thousand Oaks. The Moorpark-Newbury-Pharmacy line loading has dropped 1.5% per year since 2008; however, SCE projects that it will reverse to a growth of 1.5% per year. The growth rate of 1.5% is not explained or supported in the assumptions of the PEA.

6. Several factors will influence the Projected Loading in 2014, most would reduce Projected Loading. They include but are not limited to:

    A. All small and medium businesses are now on Time of Use rating. TOU will impose a surcharge on use during peak time, encouraging conservation for the majority of businesses, which in turn will lower Peak Demand and Loading.

    B. SmartConnect is still in the learning and adoption stage. The bulk of the 5% reduction in peak demand expected from SmartConnect, which directly impacts Projected Loading, is yet to be realized.

C. The largest employer in the ENA, AMGEN, continues to reduce employee head count. Amgen has reduced employees by 15% since 2007 peak. Reductions in employees will result in a lower HVAC requirement and lower Projected Loading attributed to the facility.

D. Prop 39 will provide significant resources to the Conejo Valley Unified School District. Prior to passage of Prop 39 there were 3.6 MW or 32 A of projects expected in the ENA by the CVUSD. As in the case of HCTP it is unclear if currently planned projects for the CVUSD or new Prop 39 projects were considered in the Projected Loading.

Given the significant impact of items A-D that will likely reduce the Loading for 2014, it would seem prudent to review the actual Loading after the effects are realized.

Project Alternatives

The GRC 2015 budget request for the new Moorpark-Newbury line suggests that there are only two Alternatives. SCE advances the need for a new dual circuit 66 kv line and abandons the alternative of upgrading the currently Moorpark-Newbury-Pharmacy line. That second Alternative, acknowledged by SCE, is the upgrade of the conductors of the two circuits supplying the Newbury Substation.

The type and scope of the ten additional proposed Alternatives to the project would yield a total of 1,685 A. They are offered as a menu of projects that can be authorized to offset the Projected Loading shortfall of 37 A. The ten Alternatives are based on proven technologies, all of which can be implemented within 2-3 years to avoid any Overloading condition. These ten alternatives we recently have identified are:

1. **Re-connect the Colonia-CAMgen-Newbury line to CAMgen substation.**

Approximately 1.5 miles of 66 kV circuit can be installed on public right of way (Potrero Road) to restore the third circuit and additional Amp capacity to Newbury Substation. Assuming that the line is reconnected with the lower rated conductor of 653.9, approximately 920 A would be added in capacity to the current 920 A. The two circuits would total 1840 A, which is significantly higher than the 957 Amps projected by SCE for the ENA in 2022.

2. **Have the major commercial sites in the ENA enroll a portion of their 50.7 MW of back-up generators into a demand response program**.

If only 50% of the customers accepted the natural gas upgrades the 50.7 MW would reduce the Amp draw on the Moorpark-Newbury-Pharmacy line from a projected 957 A

to only 737 A. The resultant Loading of 737 A is well under the 920 A rating of the existing Moorpark-Newbury-Pharmacy line.

3**. Install 10 MW of rooftop or centralized thermal storage units in the commercial section of the ENA.**

The installation can either be one-time or incremental to match SCE's projected growth in Amps of 1.5% annually. The commercial area north of SR101 at Borchard Rd includes many large commercial structures ideal for thermal HVAC thermal storage. The 10 MW of thermal storage would reduce the peak demand by 87 A to 870 A compared to a rating of 920 A.

4. **Install solar PV on selected commercial rooftops throughout the ENA.**

There are 0.9 MW of solar projects postponed in the Newbury zip code of 91320. If funded, in lieu of a 66kV line, the impact would negate the one year of projected growth.

5. **Increase the capacity of the existing conductors of Moorpark-Newbury-Pharmacy and Thousand Oaks-Newbury lines.**

This would increase the Amp capacity to approximately 1000 A and well over the project 957 A. This Alternative is the only Alternative to the new Moorpark-Newbury lines that is discussed in the PEA and the GRC 2015.

6. **Re-Connect the CAMGen generating station on CSU Channel Islands campus to provide 28+ MW of generation through the reconnected Colonia-CAMGen-Newbury line.**

A retrofit of the CAMgen facility, with waste heat recovery, could increase the saleable energy to 35-50 MW. The 28 MW is partially allocated to the CSUCI campus, leaving approximately 25 MW or 220 Amps for Newbury's ENA. The re-connection of the CAMGen plant would reduce the Projected Loading to 737 A, well under the current line rating of 920 A

7. **Convert the 5.4 MW of stand-by generation at the Hill Canyon Treatment Plant [HCTP] to SGIP with a retrofit to natural gas to meet emissions standards**.

The 5.4 MW would reduce the Amps on the Moorpark-Newbury-Pharmacy circuit by 47 A and reduce the projected peak Amps from 957 A to 910 A, below the rating of the current line of 920 A.

8**. Increase generation and reduce peak demand at the HCTP.**

The HCTP is connected to the Newbury Substation and has significantly reduced its peak demand in 2014 by .5 MW through EE, SGIP and Solar PV. In addition, there is additional capacity to increase the Bio Gas and solar PV generation by 1.6 MW. The combined impact of changes in 2014 and the available installs total 2.1 MW or 18 A.

9. **Implement pending Conejo Valley Unified School District [CVUSD] energy project**s.

The CVUSD has numerous facilities located in the ENA. CVUSD has done extensive energy audits and Solar PV feasibility analysis. The pending projects would generate 4.2 MW or 37 A. These projects when implemented would reduce the Projected Loading to 920 A, the current capacity of the Moorpark-Newbury-Pharmacy line.

10. **Implement Solar PV projects in the ENA.**

The GRC 2012 settlement with Vote Solar provides for a Solar PV projects to be considered in an RFP as an Alternative to a Transmission/Distribution project. The ENA provides an excellent site for implementation of the Settlement RFP given the large number of commercial flat rooftops, the solar index, the concentration of buildings, and the 9 years before the Projected Loading may exceed the current capacity of 920 A. In addition to the rooftop solar PV, there are numerous disturbed sites that would support a ground install of 5 MW (or 44 A) to bring the Projected Loading below the current rating of 920 A.

The type and scope of these Alternatives total 1,685 A. They are suggested as a menu of potential projects to offset the Projected Loading shortfall of 37 A. These Alternatives are based on proven programs and technologies and can be implemented within 2-3 years, well before the Projected Loading Overloading of 37 A in 2021.

The Table below summarizes the Increased Capacity and Load Reduction for each of the ten Alternatives:

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Alternative to Proposed New Moorpark-Newbury Line	Increased Capacity Amps	Load Reduction Amps	
Reconnect to Colonia-CAMgen	920		
Demand Response for Generators		220	
Commercial HVAC Thermal Storage		87	
Commercial Solar PV withdrawn		12	
Upgrade to 954 Conductors	80		
Re-Connect CAMgen Generator	220		
Convert HCTP to Peaker	47		
HCTP 2014 Project Impact		18	
CVUSD Projects in 91320		37	
VoteSolar RFP for 5MW		44	
	1267	418	1685

NOTE: The amount of Projected Loading Shortfall in 2022 per Southern California Edison is 37 A compared the range of Alternatives totaling 1,685 A.

The CAMgen RE-Connect Option, Alternative #1:

As can be seen in the above table, the Alternative alone would meet the projected needs of the Newbury ENA at an estimated cost of $1 million. A site map is provided below.

Moorpark-Newbury Line
Proposed Project Loading and Alternatives

Map Of the CAMgen Re-Connect Alternative

The map identifies the Colonia-CAMgen-Newbury circuit in yellow and green pins as of 2004. The yellow pins represent the lines currently in place. The green pins represent the lines removed as part of the transfer of the land to the CSUCI Site Authority.

The lowest red pin on the map is the CAMgen substation site. The orange pin is the terminus of the 66 kV line already connected to Newbury. The blue solid line on the southern border of the map represents the route option for Re-Connect Alternative (one of ten Alternatives being suggested). The line depicts the re-connection of the severed Colonia-CAMgen-Newbury line Alternative on 1.5 mile of existing right of way as a pole replacement project. There is no project estimate from SCE for the reconnection. The terrain is public roadway (Potrero Road), so it is expected this would cost less than $1 million (roughly $0.6 million per mile of TSP with 66kV circuit). It would entail little environmental disturbance as it is simply a pole replacement project in the 1.5 mile area where the re-connection would be established.