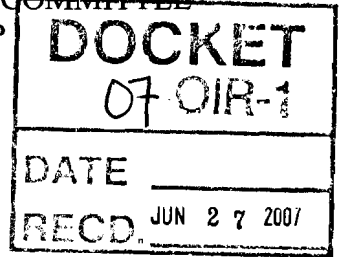


**BEFORE THE ENERGY COMMISSION OF THE STATE OF CALIFORNIA**

In the matter of: )  
 )  
 Proposed Adoption of Regulations )  
 Governing a Corridor Designation Process )  
 Under Senate Bill 1059t) )  
 \_\_\_\_\_ )

Docket No. 07-OIR-1

NOTICE OF COMMITTEE  
 WORKSHOP



**COMMENTS OF THE STAFF OF THE  
 CALIFORNIA PUBLIC UTILITIES COMMISSION  
 FOR THE JUNE 29 TRANSMISSION CORRIDOR WORKSHOP**

The Staff of the California Public Utilities Commission (CPUC) hereby provides its comments on the California Energy Commission’s (CEC) “Staff-Proposed Regulations for an Electric Transmission Corridor Designation Process Under SB1059.” In its March 13 Comments, the CPUC highlighted a number of principles, repeated below:

- The corridor designation process should be structured so as to streamline, and accelerate the timelines for siting transmission lines under the existing Certificate of Public Convenience and Necessity (CPCN) process; a programmatic approach, such as that envisioned under SB-1059, can and should facilitate project siting without inefficiently duplicating project level permitting.
- The corridor designation process should recognize that project level permitting of projects proposed for a designated corridor may need to consider transmission route alternatives outside the designated corridor.
- The corridor designation process should be coordinated to the maximum extent possible with other transmission planning processes under way at the state, sub-regional and Western regional levels.
- To the extent that, in the future, a specific transmission project will be proposed within a Transmission Corridor Designation approved by the CEC, such designations can be useful in accelerating the CPUC’s project-specific environmental review.

These principals remain important to the CPUC and we look forward to their discussion at the June 29<sup>th</sup> workshop. Here, the CPUC would like to identify a few concerns about the draft regulations. In particular, the regulations should make clear that the CEC will be performing a program EIR, rather than the project-level EIRs conducted during the CPUC's CPCN process. Where possible, the CPUC's project-level EIRs may be able to incorporate, in whole or in part, the environmental determinations made by the CEC when the applicable transmission corridor is approved. However, the regulations should probably clarify that the CEC's corridor process will necessarily have a broad, long-term focus that streamline rather than substitute the CPUC's process. Below, the CPUC staff discusses a few areas that could be improved upon. We will file more detailed comments after the next workshop.

1) Section 2401

Section (b)(2) states that the designation process will “take into account a reasonable range of alternatives and feasible ways to mitigate or avoid foreseeable significant environmental impacts....” The CPUC recognizes that the analysis done in a program EIR performed by the CEC for anticipated corridors could greatly streamline the future CPUC project-specific EIRs by examining alternatives. However, CPUC staff is concerned that for a program EIR, thoroughly identifying mitigation measures for a high-level corridor designation might be difficult. For instance, biological effects surveys are done within a year of when a specific project is expected to be constructed. The designation studies with a long time horizon and potentially broader geographic scope cannot identify all the long term mitigation that may have to be performed in a future CPUC EIR.

2) Section 2402

This Section requires an application to include “an environmental assessment of all reasonably foreseeable impacts that would result ....” As with section 2401, this requirement may be too detailed to adequately be undertaken in a program-level EIR. For a large corridor, both in length and width, where the CEC does not know exactly at what location transmission poles will be located, this analysis may not be practical. At a program EIR level, it makes sense for a high level analysis to be done. For example, a checklist identifying air quality and land-use items could be developed for use in a later

EIR, which would use these surveys to aid in identifying items requiring more specific study.

3) Section 2415

The “findings and conclusions” section also seem to require too much detail for a program EIR. As discussed above, the mitigations and environmental impacts required in sections “d” (“proposed designation and possibility of one or more transmission-line projects being built within the designated corridor would cause any reasonably foreseeable significant adverse impact on the environment, public health and safety, land use, the states economic interest ...”) and “e” (whether there are feasible means of mitigating or avoiding any of the significant adverse impacts identified ...) should be done as a high level overview consistent with a program EIR, rather than a project-level EIR such as those performed by the CPUC.

In conclusion, the CPUC appreciates this opportunity to comment on the draft staff regulations and looks forward to sharing its views with the CEC at the June 29<sup>th</sup> workshop. Should any of the CEC’s Commissioners or staff have any questions regarding the foregoing, please do not hesitate to contact Chloe Lukins or Ken Lewis of the CPUC’s Energy Division, respectively, at (415) 703-1637 or (415) 703-1090, or the undersigned.

Respectfully submitted,

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