



CALIFORNIA FARM BUREAU FEDERATION

OFFICE OF THE GENERAL COUNSEL

2300 RIVER PLAZA DRIVE, SACRAMENTO, CA 95833-3293 • PHONE (916) 561-5650 • FAX (916) 561-5691

June 27, 2007

California Energy Commission Siting Committee
Commissioner John L. Geesman
Commissioner Jeffrey D. Byron
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET 07-OIR-1	
DATE	JUN 27 2007
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RE: 07-OIR-1/ Comments of the California Farm Bureau Federation on the Staff-Proposed Regulations for an Electric Transmission Corridor Designation Process Under SB 1059

Dear Committee Members:

In conformity with the request for input on the Draft Staff-Proposed Regulations for an Electric Transmission Corridor Designation Process Under SB 1059 ("Draft Regulations") prior to the scheduled workshop on June 29, 2007, the California Farm Bureau Federation ("Farm Bureau") submits these preliminary comments. Although a representative of the Farm Bureau will not be able to attend the workshop, the comments are offered in advance to facilitate the discussion on implementation of the legislation. Farm Bureau may have further written comments on the Draft Regulations after the conclusion of the workshop, as set out in the Workshop Notice.

Farm Bureau has been keenly interested in the development of transmission corridors and the resulting impacts on agricultural land in California. Private property owners tend to bear a disproportionate burden when faced with expansion of state-needed infrastructure. Regulations to govern the imposition of structures on land must be carefully crafted to ensure fair treatment of the affected landowners. It is with these concerns in mind that Farm Bureau offers the preliminary comments.

1. Section 2401(b)(3). Included here as an objective of the designation process is the coordination of the state's process with the federal process. California stakeholders are typically in a much better position than the federal counterparts to assess impacts of transmission corridors on state interests. Although the federal proposals may be one of many factors to consider, they should not dictate what is more suitably a statewide concern. As was seen recently with the proposed Southwest Area

NANCY N. McDONOUGH, GENERAL COUNSEL

ASSOCIATE COUNSEL:

CARL G. BORDEN • KAREN NORENE MILLS • RONALD LIEBERT • JOHN R. WEECH

National Interest Electric Transmission Corridor, there are legitimate concerns about the alignment between federal and state approaches to such matters. Notably this stated objective is not contained in the statute authorizing the Energy Commission to oversee the creation of transmission corridors, and it is urged that restraint be exercised in the deference granted to the federal approaches.

2. Section 2405. Subsection (a)(2) does not specify what information will be included in the notification to property owners. As the creation of a corridor may create significant consequences to the landowner, the information should at least include the details outlined in (a)(1) for the published information. In addition it would also be helpful to direct the property owner to where the full and complete information about the application can be obtained.
3. Section 2408. This section addresses obtaining information about the areas, which are the subject of the corridors. The reference to the distinction between the level of information expected to be available in designating a corridor versus a specific transmission project is significant for the landowner and the potential for anticipated access to the properties. There should be no presumption in planning these corridors that access to properties will be available. When utilities plan for specific transmission projects, the state's eminent domain laws provide detailed authority for access to property. There is no such provision in the development of corridors and no expectation about access. It is, of course, quite important to connect with affected property owners to solicit input about the attributes of the lands, which many of the provisions of the Draft Regulations are directed at achieving.
4. Section 2411 Subsection (a) provides the public with a minimum 30 days review period of the draft report. In many instances circumstances will warrant the extension of the period for review. Even under the best of circumstances there will be a delay between the posting of the draft report on the website and parties' awareness of it. It would be helpful for the regulations to specify what procedure should be followed by parties, who wish to request an extension of the review period, such as who an extension request should be addressed to.
5. Appendix G, Project Description. Section (5) requires the application include assessor's parcel numbers with owners' names and addresses. It is assumed such information is required for use in providing notice to affected landowners. It would be prudent, however, to limit the release of the information to the public for protection of the landowners' privacy.

6. Appendix G, Corridor Alternatives. The notification provisions in Section 2405 address notification to property owners in the proposed corridor. Since section (1) here characterizes the alternative as separate from the proposed corridor, it is not clear notification is required for property owners within an alternative corridor. Any property owner potentially impacted by the corridor designation process should be notified about the proceeding as early as possible. It should be made clear the notification includes those affected by the alternatives under consideration as well as the proposed corridor.

The Farm Bureau appreciates the effort staff has made to reach out to stakeholders in this process to achieve a workable and fair process as consideration of transmission corridors moves forward. Farm Bureau looks forward to remaining engaged in this process.

Very truly yours,

Karen Norene Mills
Associate Counsel