

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 1059)
)
)

Docket No. 07-OIR-1
NOTICE OF COMMITTEE
WORKSHOP

DOCKET 07-OIR-1
DATE _____
RECD. JUL 13 2007

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

The Staff of the California Public Utilities Commission (CPUC) hereby provides its post-workshop comments on the California Energy Commission’s (CEC) “Staff-Proposed Regulations for an Electric Transmission Corridor Designation Process Under SB1059.” The CPUC reiterates its earlier comments filed on June 27 and has some additional suggestions and also some responses to what other parties have stated.

In its earlier comments, the CPUC emphasized that the CEC’s corridor process will have a broader focus that necessarily cannot substitute for the CPUC’s CEQA review. The CPUC is concerned with comments made by PG&E that the CEC do project-specific EIRs for the corridors rather than a program EIR. The CPUC disagrees with this approach, because under CEQA, the CPUC is legally required to perform project specific EIRs for many transmission projects. At the workshop, the CEC staff rightly recognized that the CPUC would have to be the lead agency and perform an EIR for specific applications within the corridors studied in the Program EIR.

SDG&E also recognizes the appropriateness of having the CEC perform a program EIR and defer to the CPUC for resolution of project-specific CEQA review. (SDG&E’s June 21 Comments, Recommendation 2.) However, the CPUC is concerned with SDG&E proposal in its Recommendation 2 that the CEC “allow the designation of new and existing transmission line ROWs using CEQA exemptions and the Program EIR process.” The CPUC disagrees with this approach. Rather, a better solution is for the CEC to perform a Program EIR on all corridors that only includes generic mitigations, such as those used by

the utilities in their approved Habitat Conservation Plans (or equivalent) and any cultural resource protection plan. This seems to be the approach currently favored by CEC staff.

Additionally, the CPUC has some additional suggested changes to the proposed regulations. The proposed regulations require an applicant to provide certain information, as listed in Appendix G. The CPUC proposes that the regulations more clearly state that in an instance when the CEC itself proposes a corridor, the CEC should also be required to publicly provide the same information required of applicants. Also in Appendix G, while section (d)(8) requires a discussion of “the latest CAISO transmission planning results that would support the addition of the transmission project(s) that the applicant anticipates within the proposed corridor zone”, this should be expanded to require discussion of CAISO and other transmission planning studies that have a material bearing (positive or negative) on the need for such projects

In conclusion, the CPUC appreciates this opportunity to comment on the draft staff regulations. 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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