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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Southern California Edison Company (U338E) for a Certificate of Public Convenience and Necessity for the RTRP Transmission Project.

Application 15-04-013
(Filed April 15, 2015)

**ADMINISTRATIVE LAW JUDGE'S RULING GIVING NOTICE OF
TIMING OF PREHEARING CONFERENCE**

This ruling gives notice of anticipated issues that will be included in the scope of the proceeding, and directs parties who intend to offer evidence on issues that will be addressed in the anticipated subsequent or supplemental Environmental Impact Report (EIR) to do so by public comment pursuant to the California Environmental Quality Act (CEQA), as explained below. A Prehearing Conference (PHC) will be set as soon as practicable after the issuance of the draft subsequent or supplemental EIR to discuss the scope of issues and schedule for the remainder of the proceeding.

1. Background

By this application, Southern California Edison Company (SCE) seeks a certificate of public convenience and necessity to construct the Riverside Transmission Reliability Project (RTRP).

Pursuant to Pub. Util. Code § 1001 et seq., SCE may not proceed with its proposed project absent certification by the Commission that the present or

future public convenience and necessity require it, and such certification shall specify the maximum prudent and reasonable cost of the approved project.

As provided by General Order (GO) 131-D, the proposed project is subject to environmental review pursuant to CEQA. CEQA requires the Lead Agency (the City of Riverside in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage. If the initial study shows that there is no substantial evidence that the proposed project may have a significant effect on the environment or that the project proponent makes or agrees to revisions to the project plan that will reduce all project-related environmental impacts can be reduced to less than significant levels, then the Lead Agency may prepare a Negative Declaration or Mitigated Negative Declaration to that effect. Otherwise, the Lead Agency must prepare an EIR that identifies the environmental impacts of the proposed project and alternatives, designs a recommended mitigation program to reduce any potentially significant impacts, and identifies, from an environmental perspective, the preferred project alternative. In this case, on February 5, 2013, the City of Riverside as Lead Agency certified the EIR and approved the project.

CEQA provides that, as a Responsible Agency, the Commission may not approve the project unless it requires all of the identified mitigation measures within its power, unless they are found to be infeasible, and determines that there are overriding considerations that merit project approval despite the unmitigable environmental impacts. CEQA further provides that the Responsible Agency may prepare a subsequent or supplemental EIR if, among other things, substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the EIR.

It has come to the Commission's attention that, subsequent to the certification of the EIR, the City of Jurupa (through which a portion of the proposed project would be located) approved the 466-unit Riverbend housing subdivision project, which would be located over approximately one mile of the length of the proposed RTRP transmission line alignment and does not include a right-of-way alignment for the RTRP route. In addition, the City of Jurupa approved the Vernola Marketplace Apartments Project, which includes the development of 25 apartment buildings with 397 residential units and which would be located within the proposed alignment for the RTRP. The Commission's Energy Division has determined that these approved developments are a substantial change in circumstances which require the Commission to prepare a subsequent or supplemental EIR. (*See* attachment.)

In addition, pursuant to GO 131-D and Decision 06-01-042, the Commission will not approve a project unless its design is in compliance with the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

2. Anticipated Scope of Issues

Based on the governing authority discussed above, I anticipate the issues to be determined in this proceeding will include:

1. Does the proposed project serve a present or future public convenience and necessity?
2. What are the significant environmental impacts of the proposed project?
3. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?
4. As between the proposed project and the project alternatives, which is environmentally superior?

5. Are the mitigation measures or project alternatives infeasible?
6. To the extent that the proposed project and/or project alternatives result in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
7. Did the Commission review and consider the EIR and subsequent or supplemental EIR prior to approving the project or a project alternative, and was the subsequent or supplemental EIR completed in compliance with CEQA and reflect the Commission's independent judgment?
8. Is the proposed project and/or project alternative designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?
9. If a certificate is granted, what is the maximum cost of the approved project?

Parties will have the opportunity to address the scope of issues at the PHC, which will be set after the issuance of the draft subsequent or supplemental EIR, as the case may be. In the meantime, however, parties should commence discovery on the preliminarily identified issues.

3. Opportunity to Participate in CEQA Review

The Commission's Energy Division has initiated its environmental review, and will give notice of its intent to prepare a subsequent or supplemental EIR and afford the opportunity for public review and comment as required by CEQA. Upon completion, the final subsequent or supplemental EIR will be admitted into the evidentiary record of this proceeding.

As will be further explained at the prehearing conference, I do not anticipate taking further evidence regarding the identification of significant environmental impacts, mitigation measures and alternatives, and the

environmentally superior alternative, beyond the environmental review documents (i.e., the February 6, 2012, EIR and the anticipated subsequent or supplement EIR). Therefore, any person who wishes to present evidence on the environmental impacts of the proposed project and alternatives, recommended mitigation, and the environmentally superior alternative in light of the approved developments in the City of Jurupa must do so through participation in the CEQA review process. To request addition to the CEQA review service list, or for other information regarding the environmental review, please e-mail riversidetrp@panoramaenv.com, or contact the Energy Division project manager at:

Jensen Uchida
c/o Panorama
1 Embarcadero Center, Suite 740
San Francisco, CA 94111

Therefore, **IT IS RULED** that:

1. Parties should promptly commence discovery, if any, on the issues as preliminarily identified in this ruling.
2. Parties who wish to present evidence on the identification of significant environmental impacts, mitigation measures and environmentally superior alternative in light of the approved developments in the City of Jurupa must do so through the California Environmental Quality Act review process as discussed in this ruling.

Dated June 10, 2015, at San Francisco, California.

 /s/ HALLIE YACKNIN
Hallie Yacknin
Administrative Law Judge

ATTACHMENT

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



May 22, 2015

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**RE: Application Deficiency - Certificate of Public Convenience and Necessity for the
Riverside Transmission Reliability Project – Application No. A.15-04-013**

Dear Mr. Forrest,

The California Public Utilities Commission's (CPUC) Energy Division CEQA Unit has completed its review of Southern California Edison's (SCE's) Application (A. 15-04-013) for a Certificate of Public Convenience and Necessity (CPCN) for the Riverside Transmission Reliability Project (RTRP). The CPUC has also reviewed the Final Environmental Impact Report (EIR) prepared by the City of Riverside pursuant to the California Environmental Quality Act (CEQA) and the associated administrative record. The City of Riverside is the Lead Agency under CEQA, responsible for preparation of the EIR. The CPUC is a Responsible Agency under CEQA, responsible for the certification of the CPCN.

City of Riverside Final EIR

The City of Riverside certified the Final EIR for the RTRP in October 2013 and filed the Notice of Determination on February 6, 2013. The Final EIR certified by the City of Riverside, along with the entire administrative record of the proceeding before Riverside were filed with the Application as information equivalent to a Proponent's Environmental Assessment.

In March 2013, Jurupa Valley filed a CEQA lawsuit in Superior Court challenging Riverside's approval of RTRP. On May 1, 2014, the Los Angeles Superior Court denied Jurupa Valley's challenge and upheld the Final EIR and Riverside's approval of the Project. Jurupa Valley appealed that decision and the appellate case is currently pending.

Changed Conditions in the Project Alignment

Subsequent to the certification of the EIR and approval of the RTRP, the City of Jurupa Valley certified an Initial Study/Mitigated Negative Declaration (IS/MND) and approved the Riverbend housing project, a 466-unit subdivision at the southeast corner of Wineville Avenue and Cantu-Galleano Ranch Road. The project would be located on a 36.6-acre parcel over approximately 1 mile of the length of the proposed RTRP transmission line alignment. The approved vested tentative map and zoning and development plan for the subdivision did not include a right-of-way alignment for the RTRP route. The Project has been purchased by Lennar Homes, Inc. Lennar has graded the site and purportedly made other improvements.

In addition, the City of Jurupa Valley certified an IS/MND and approved the Vernola Marketplace Apartments Project at the northwest corner of 68th Street and Pats Ranch Road in Jurupa Valley. The Notice of Determination was filed on March 20, 2015. The project includes development of 25 apartment buildings, with 397 residential units, on a 17.4-acre property. The project site is within the proposed alignment for the RTRP; the IS/MND did not consider the RTRP and the effects on the proposed apartments.

The approved subdivisions within the RTRP route are considered a substantial change in circumstances, which will require the CPUC to prepare a Subsequent EIR to address new significant environmental effects pursuant to CEQA Guidelines Section 15162.

Application Incomplete

After review of SCE's application for the RTRP, the Energy Division finds that the information contained in the Application and Final EIR is incomplete. The attached report identifies the portions of the application found to be deficient.

Information provided by SCE in response to the Energy Division's finding of deficiency should be filed as supplements to Application A. 15-04-013. One set of responses should be sent to the Energy Division and one to our consultant Panorama Environmental, in both hardcopy and electronic format. We request that SCE respond to this report no later than July 21, 2015.

We will review the information within 30 days and determine if it is adequate to accept the application as complete. We will be available to meet with you at your convenience to discuss these items.

The Energy Division reserves the right to request additional information at any point in the application proceeding and during subsequent construction of the project should SCE's CPCN be approved.

Please direct questions related to this application to me at (415) 703-5484 or Jensen.Uchida@cpuc.ca.gov.

Sincerely,



Jensen Uchida

Project Manager

Energy Division, CEQA Unit

cc: ALJ
Mary Jo Borak, Supervisor
Molly Sterkel, Program Manager
Jack Mulligan, CPUC Attorney
Jeff Thomas, Project Manager, Panorama Environmental, Inc.

DEFICIENCY REPORT FOR THE RIVERSIDE TRANSMISSION RELIABILITY PROJECT APPLICATION (A. 15-04-013)

REPORT OVERVIEW

The California Public Utilities Commission (CPUC) has identified deficiencies in Southern California Edison’s (SCE’s) Application (A.15-04-013) for a Certificate of Public Convenience and Necessity for the Riverside Transmission Reliability Project (RTRP). Deficiencies were identified according to requirements of the CEQA (Public Resources Code Section 21000 *et seq.*) General Order 131-D and the Commission’s Rules of Practice and Procedure for a CPCN. Deficiencies are presented in Table 1.

Table 1: SCE Riverside Transmission Reliability Project Application 15-04-013 Deficiencies

Number	Deficiency
1	<p>SCE’s Application, Final EIR, and Administrative Record do not contain adequate information to document the change in circumstances since Riverside certification of the Final EIR. Additional information is required regarding the Riverbend housing project and Vernola Marketplace Apartment Community to document the current baseline conditions in the proposed RTRP alignment. This information should include modifications to the environmental setting in the EIR to reflect the conditions in the transmission corridor resulting from the approved subdivisions consistent with the requirements of the CPUC PEA Checklist for Transmission Line Projects (October 2008) including:</p> <ol style="list-style-type: none"> 1. Documentation of baseline aesthetic conditions at the approved housing developments. 2. Updated agricultural setting to reflect the Riverbend housing project within an area that was previously Williamson Act farmland. 3. Updated habitat acreages within the transmission corridor to reflect grading and other habitat modifications since the filing of the EIR. 4. Updated land use and zoning designations to reflect the approved residential developments. 5. Updated transportation and traffic conditions to reflect the approved residential developments and current traffic volumes.
2	<p>SCE’s Application, Final EIR, and Administrative Record do not provide an assessment of the environmental impacts of the RTRP on the Riverbend housing project (466 single family lots) and the Vernola Marketplace Apartment Community. The following information is needed to evaluate impacts on the residential developments, consistent with the CPUC PEA Checklist for Transmission Line Projects (October 2008):</p> <ol style="list-style-type: none"> 1. A visual simulation of the RTRP with the proposed housing development and analysis of cumulative aesthetic impacts from the housing developments and the RTRP. 2. Revisions to the area of agricultural impacts provided in the EIR to reflect the conversion of Williamson Act farmland at the Riverbend housing project to a residential development.

Table 1: SCE Riverside Transmission Reliability Project Application 15-04-013 Deficiencies	
Number	Deficiency
	<ol style="list-style-type: none"> 3. Updates to the habitat impact acreages in the EIR to reflect grading of the Riverbend project and any other changes in baseline conditions since publication of the EIR. 4. Description of hazards associated with construction and operation of the proposed project within the approved residential developments. 5. Land use impacts associated with conflicts between the proposed project transmission alignment and the approved residential developments. 6. Increased noise impacts from construction within residential subdivisions and long-term corona noise impacts on the subdivision. 7. Impacts from construction and operation of the proposed project on transportation and traffic considering the roads that are proposed within the approved subdivisions. 8. Impacts of the proposed project on population and housing. 9. Cumulative impacts of the proposed project with other cumulative projects that are currently planned in the area.
3	CEQA requires consideration of alternatives that are capable of substantially reducing or eliminating significant environmental effects (CEQA Guidelines Section 15126.6(a)). Define alternatives that meet the project objectives and reduce or avoid potentially significant impacts of the proposed project on the approved Riverbend housing project and Vernola Marketplace Apartment Community. This may include local routing alternatives or electrical system alternatives.
4	Provide the total volume of water that will be required for construction of the project. The City of Riverside Final EIR and response to comments state that a maximum of 40,000 gallons of water would be applied per mile per day. This volume of water does not equate to a total volume required for the project. Specify a total maximum volume of water needed for the project and the source of water.
5	Define the proposed location for disposal of hazardous waste and treated wood poles that would be removed by the proposed project.

(End of Attachment)