

LR1/eg3 12/20/2018



**FILED**  
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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

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

This scoping memo and ruling sets forth the category, issues to be addressed, and schedule of the proceeding pursuant to Public Utilities (Pub. Util.) Code § 1701.1 and Article 7 of the Commission's Rules of Practice and Procedure.

**1. Procedural Background**

By this application, Southern California Edison Company (SCE) seeks a certificate of public convenience and necessity (CPCN) to construct the Riverside Transmission Reliability Project (RTRP) pursuant to Pub. Util. Code § 1001.

Project approval is subject to environmental review under the California Environmental Quality Act (CEQA) and pursuant to General Order (GO) 131-D. If a proposed project may have a significant impact on the environment, CEQA requires the preparation of an environmental impact report (EIR) that identifies the project's environmental impacts, designs a recommended mitigation program to reduce any potentially significant impacts, and identifies, from an environmental perspective, the preferred project alternative. CEQA provides

that a permitting agency may not approve the project unless it requires all of the mitigation measures identified in the EIR, unless it finds them to be infeasible, and determines that there are overriding considerations that merit project approval despite the unmitigable environmental impacts. CEQA further provides for the preparation of a subsequent EIR if, among other things, substantial changes occur which will require major revisions of the EIR.

In this case, the City of Riverside prepared an EIR for the project and, on February 5, 2013, certified the EIR and approved the project. Subsequently, the City of Jurupa (through which a portion of the proposed project would be located) approved two housing projects that would be located within the proposed alignment for the RTRP. The Commission's Energy Division prepared a Subsequent Environmental Impact Report (SEIR), which issued in final form on October 2, 2018.

A prehearing conference was held on November 13, 2018, to discuss the issues of law and fact and determine the need for hearing and schedule for resolving the matter. After considering the application, protests, and discussion at the prehearing conference, I have determined the issues and schedule of the proceeding to be as set forth in this scoping memo.

## **2. Issues**

The issues to be determined are:

1. What are the significant environmental impacts of the proposed project? This issue encompasses consideration of recreational and park areas, historical and aesthetic values, and influence on the environment pursuant to Pub. Util. Code § 1002(a)(2-4).
2. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?
3. As between the proposed project and the project alternatives, which is environmentally superior?

4. Did the Commission review and consider the SEIR prior to approving the project or a project alternative, and was the SEIR completed in compliance with CEQA and reflect the Commission's independent judgment?
5. Are the mitigation measures or project alternatives infeasible? This issue encompasses consideration of community values pursuant to Pub. Util. Code § 1002(a)(1).
6. To the extent that the proposed project and/or project alternatives results in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
7. Does the proposed project serve a present or future public convenience and necessity? This issue directly overlaps issue 6, above.
8. What is the maximum prudent and reasonable cost of the project? (*See Pub. Util. Code § 1005.5.*)
9. Does the project design comply with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

### **3. Need for Evidentiary Hearing**

The SEIR addresses issues 1 through 3. CEQA requires the opportunity for the public to comment on the draft SEIR, and requires the final SEIR to consider and address every comment that is received. Given this process, the Administrative Law Judge (ALJ) June 10, 2015, ruling gave notice that any person who wished to present information regarding the identification of significant environmental impacts, mitigation measures and alternatives, and the environmentally superior alternatives should do so through public comment on the draft SEIR. We will not take further evidence on these issues.

Issue 4 is a legal issue and does not require evidence.



Issues 5 through 8 are material contested issues of fact. Accordingly, evidentiary hearing is needed on these issues.

Issue 9 (EMF policy compliance) does not implicate any contested material fact requiring evidence.

Accordingly, I affirm the preliminary determination in Resolution ALJ-176-3356 that evidentiary hearing is needed.

#### 4. Schedule

The following schedule is adopted here and may be modified by the ALJ as required to promote the efficient and fair resolution of the application:

SCE and City of Riverside prepared direct testimony served	March 1, 2019
Intervenors' prepared direct testimony served	May 31, 2019
Prepared rebuttal testimony served	July 12, 2019
Evidentiary hearing	August 6-7-8, 2019 9:00 a.m. Tuesday through Thursday, August 6 through 8, 2019 Commission Courtroom State Office Building 505 Van Ness Avenue San Francisco, CA 94012
Opening briefs	August 30, 2019
Reply briefs [matter submitted]	September 20, 2019
Proposed decision	[no later than 90 days after submission]
Commission decision	[no sooner than 30 days after the proposed decision]

Prepared testimony must conform to the requirements of Rule 13.7. Furthermore, the organization of prepared testimony must correlate to the identified issues.

Parties shall serve any prepared testimony on the official service list pursuant to Rule 1.9 and Rule 1.10 and shall serve two hard copies of it on the assigned ALJ.

The proceeding will stand submitted upon the filing of reply briefs, unless the ALJ requires further evidence or argument. Based on this schedule, the proceeding will be resolved within 18 months of the date of this scoping memo as required by Pub. Util. Code § 1701.5.

The schedule does not include public participation hearings as were requested by the City of Jurupa Valley, Center for Community Action and Environmental Justice, and the Gateway Properties Parties. Pursuant to CEQA and GO 131-D, the Commission conducted public informational workshops on April 24 and 25, 2018, to receive comments on the draft SEIR. Notice of the public informational workshops was served on local, regional, and state agencies, organization, tribes, and on residents and property owners within 300 feet of the revised project and each alternative alignment. We received comments from 16 agencies and organizations; 15 community groups, private companies, and private organizations; and 113 private citizens (as well as from SCE). We also received 130 form letters and a petition signed by 99 persons expressing support for the RTRP "hybrid proposal" identified in the SEIR. Thus, we have a robust record on the community's viewpoints regarding this matter, and we have no reason to expect that a public participation hearing would substantively alter that record. That said, I remind the parties and the public that public comment is welcome through letters to Commission and oral comment at our regularly-scheduled Commission business meetings. (For more information on these opportunities, please go to [http://www.cpuc.ca.gov/written\\_informal\\_comments/.](http://www.cpuc.ca.gov/written_informal_comments/))

## **5. Category of Proceeding/*Ex Parte* Restrictions**

This ruling confirms the Commission's preliminary determination that this is a ratesetting proceeding. (Resolution ALJ 176-3356.) Accordingly, *ex parte* communications are restricted and must be reported pursuant to Article 8 of the Commission's Rules of Practice and Procedure.

## **6. Public Outreach**

As required by General Order 131-D, Section XI, SCE provided public notice of this matter as required by General Order 131-D, Section XI, as follows (*see* SCE's April 13, 2015, notice of mailing and posting of notice of the application):

- By direct mail to the California Energy Commission, the State Department of Transportation and its Division of Aeronautics, the Secretary of the Resources Agency, the Department of Fish and Game, the Department of Health Services, the State Water Resources Control Board, and the Air Resources Board; and to the planning commission, legislative body, Air Pollution Control District, California Regional Water Quality Control Board, and State Department of Transportation's District Office in whose jurisdictions the proposed project would be located;
- By direct mail to all owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor's parcel roll available to the utility at the time notice is sent;
- By advertisement, not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed project would be located, the first publication to be not later than ten days after filing of the application; and
- By posting a notice on-site and off-site where the project would be located.



## **7. Intervenor Compensation**

Pursuant to Pub. Util. Code § 1804(a)(1), a customer who intends to seek an award of compensation must file and serve a notice of intent to claim compensation by December 13, 2018, 30 days after the prehearing conference.

## **8. Public Advisor**

Any person interested in participating in this proceeding who is unfamiliar with the Commission's procedures or has questions about the electronic filing procedures is encouraged to obtain more information at <http://consumers.cpuc.ca.gov/pao/> or contact the Commission's Public Advisor at 866-849-8390 or 415-703-2074 or 866-836-7825 (TYT), or send an e-mail to [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov).

## **9. Service of Documents on Commissioners and Their Personal Advisors**

Rule 1.10 requires only electronic service on any person on the official service list, other than the ALJ.

When serving documents on Commissioners or their personal advisors, whether or not they are on the official service list, parties must only provide electronic service. Parties must NOT send hard copies of documents to Commissioners or their personal advisors unless specifically instructed to do so.

## **10. Assignment of Proceeding**

Liane M. Randolph is the assigned Commissioner and Hallie Yacknin is the assigned ALJ and presiding officer for the proceeding.

**IT IS RULED** that:

1. The scope of this proceeding is as described above.
2. The schedule of this proceeding is as set forth above.
3. Evidentiary hearings are needed.

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4. The presiding officer is Administrative Law Judge Hallie Yacknin.
5. The category of the proceeding is ratesetting.

Dated December 20, 2018, at San Francisco, California.

/s/ LIANE M. RANDOLPH

Liane M. Randolph  
Assigned Commissioner