

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY for a Certificate of Public
Convenience and Necessity for the
RTRP Transmission Project. (U 338-E)

Application 15-04-013
(Filed April 15, 2015)
(Amended April 30, 2015)

OPENING BRIEF OF THE CITY OF JURUPA VALLEY

PETER M. THORSON
CITY ATTORNEY
CITY OF JURUPA VALLEY

RICHARDS, WATSON & GERSHON
A Professional Corporation
B. TILDEN KIM
tkim@rwglaw.com
STEPHEN D. LEE
slee@rwglaw.com
355 South Grand Avenue, 40th Floor
Los Angeles, California 90071
(213) 626-8484 (telephone)
(213) 626-0078 (fax)

Counsel for City of Jurupa Valley

Dated: September 27, 2019

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF RECOMMENDATIONS	5
I. INTRODUCTION	6
II. ARGUMENTS.....	10
A. The Hybrid Alignment Is Infeasible Because of Its Egregious Social and Environmental Justice Impacts	10
1. The Hybrid Alignment Is Inconsistent with Environmental and Social Justice Because It Will Be Placed In a Designated Disadvantaged Community in Jurupa Valley That Already Suffers From a Pollution Burden in the 99th Percentile.....	11
2. The Hybrid Alignment Is Infeasible Because It Has Significant, Negative, and Permanent Social and Environmental Justice Impacts on Jurupa Valley, Its Disadvantaged Communities, and Its Residents	17
B. The Hybrid Alignment Is Infeasible Because It Is Completely Incompatible With the CPUC’s Environmental and Social Justice Action Plan	25
C. The Hybrid Alignment Is Infeasible Because Its Overhead Transmission Lines Create Severe Fire Hazards.....	31
D. The Hybrid Alignment is Infeasible Because Its Financial Impacts Significantly and Negatively Harm Jurupa Valley and Its Residents.....	33
E. The Hybrid Alignment is Infeasible Because It Is Completely Inconsistent with Jurupa Valley’s Community Values	40

TABLE OF CONTENTS (cont.)

	<u>Page</u>
F. Alternative 1 Is Feasible Because SCE Will Not Have to Pay Any Right of Way Acquisition Costs For Undergrounding in the City.....	46
G. SCE and Riverside Do Not Dispute and In Fact, Concede the Technical Feasibility of Undergrounding the RTRP According to Alternative 1 ...	50
H. Because Alternative 1 Is Feasible and Avoids the Negative Impacts That Render the Hybrid Alignment Infeasible, There Are No Overriding Considerations in Support of the Hybrid Alignment.....	51
III. CONCLUSION.....	53

TABLE OF AUTHORITIES

Page(s)

Cases

City of Marina v. Board of Trustees of California State University
(2006) 39 Cal. 4th 341 52

Statutes

Public Resource Code, Section 21081 (a)(3)..... 52

Senate Bill 535 12

Other Authorities

California Public Utilities Commission Rule 13.1 6

SUMMARY OF RECOMMENDATIONS

The City of Jurupa Valley respectfully requests that the California Public Utilities Commission (“Commission”) determine the following:

1. Alternative 1 of the Riverside Reliability Transmission Project (“RTRP”), which, in accordance with the dictates of the California Environmental Quality Act (“CEQA”), was deemed the Environmentally Superior Alternative in the Final Subsequent Environmental Impact Report, is “feasible” as such term is defined by CEQA.
2. Alternative 1 is fully consistent with the Community Values of the City of Jurupa Valley through which the Alternative 1 will transgress. Alternative 1 also complies with the Commission’s Environmental and Social Justice Action Plan.
3. There are no “overriding considerations” that merit Commission approval of the project as proposed by Southern California Edison Company (i.e., the Hybrid Alternative).
4. Alternative 1, the Environmentally Superior Alternative, is required by the public convenience and necessity and is the adopted alternative for the RTRP.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY for a Certificate of Public
Convenience and Necessity for the
RTRP Transmission Project. (U 338-E)

Application 15-04-013
(Filed April 15, 2015)
(Amended April 30, 2015)

OPENING BRIEF OF THE CITY OF JURUPA VALLEY

Pursuant to Rule 13.1 of the Rules of Practice and Procedure of the California Public Utilities Commission, and the April 11, 2019 email ruling of the Assigned Administrative Law Judge extending the procedural schedule, the City of Jurupa Valley (“Jurupa Valley” or the “City”) submits its Opening Brief in the above-captioned proceeding regarding the Riverside Transmission Reliability Project (“RTRP”).

I. INTRODUCTION

The Commission should reject the proposed Hybrid Alignment of the RTRP as infeasible because its overhead transmission lines (1) impose significant, negative, and permanent social and environmental justice impacts on Jurupa Valley and its residents; (2) are incompatible with the CPUC’s Environmental and Social Justice Action Plan; (3) are inconsistent with Jurupa Valley’s Community

Values stated in its General Plan; (4) create significant fire hazards; and (5) irreparably damage the financial viability and health of Jurupa Valley and its residents. Any of the foregoing bases is independently sufficient for the Commission to determine that the Hybrid Alignment is infeasible.

First, the Hybrid Alignment of the RTRP is the height of environmental and social injustice: it seeks to install miles of massive, overhead transmission lines entirely within a statutorily-designated Disadvantaged Community in Jurupa Valley, which already suffers a pollution burden in the 99th percentile and whose residents predominately consist of low-income minorities facing the highest rates of poverty and unemployment in the region. Thus, the Hybrid Alignment will force Jurupa Valley and its most vulnerable residents and communities to bear the significant, intensely negative, and permanent impacts of the Hybrid Alignment's overhead transmission for the benefit of others -- Southern California Edison ("SCE") and the City of Riverside ("Riverside"). Furthermore, the fact that SCE has agreed to underground the Hybrid Alignment through a golf course -- but not through all of the residential and other sensitive areas within Jurupa Valley -- shocks the conscience. The Commission should reject the Hybrid Alignment as infeasible on this basis alone.

The Hybrid Alignment's incompatibility with social and environmental justice also means that the Hybrid Alignment is deeply inconsistent with the CPUC's Environmental and Social Justice Action Plan. Tellingly, neither SCE

nor Riverside presented any direct or rebuttal testimony on the Hybrid Alignment's inconsistency with the CPUC's Environmental and Social Justice Action Plan ("ESJAP") to refute the evidence and arguments presented by Jurupa Valley on this issue. SCE's and Riverside's failure to address Jurupa Valley's arguments and evidence on the ESJAP confirms that the Hybrid Alignment is infeasible due to its inconsistency with the ESJAP.

The Hybrid Alignment is also infeasible because it will place overhead transmission lines in a "Very High Fire Hazard Severity Zone" as designated by California Department of Forestry and Fire Protection ("CAL FIRE"). In light of the recent and devastating fires in Northern California that were caused by overhead transmission lines, installing further overhead transmission lines according to the Hybrid Alignment unconscionably and unnecessarily increases fire threats that could otherwise be negated by undergrounding the RTRP according to Alternative 1 -- the Environmentally Superior Alternative.

Furthermore, the Hybrid Alignment is infeasible because its overhead transmission lines will significantly damage the financial health of Jurupa Valley and its residents. Specifically, the Hybrid Alignment will eliminate over 830 jobs in Jurupa Valley, whose residents already suffer from high rates of unemployment; eviscerate broad swaths of land along Jurupa Valley's most valuable commercial corridor; reduce property values; significantly damage and possibly eliminate

altogether, much-needed development in the City; and deprive Jurupa Valley of much-needed tax revenue to fund essential public services.

Finally, the Hybrid Alignment is infeasible because it is inconsistent with Jurupa Valley's Community Values, which are expressly identified in the City's General Plan and include, among other values, environmental justice, public safety, and economic and fiscal health. As noted above and more fully demonstrated below, the Hybrid Alignment is anathema to environmental justice; threatens public safety by creating significant fire hazards; and significantly damages the economic and fiscal health of Jurupa Valley. Thus, the Hybrid Alignment is incompatible with Jurupa Valley's Community Values, and the Commission should reject the Hybrid Alignment as infeasible.

Because of the many, foregoing reasons that confirm the infeasibility of the Hybrid Alignment, the Commission should reject it. Instead, the Commission should determine that the Environmentally Superior Alternative -- Alternative 1 -- identified in the Final Subsequent Environmental Impact Report ("FSEIR") is feasible and should be adopted by the Commission. The Environmentally Superior Alternative suffers from none of the many, foregoing defects that render the Hybrid Alignment infeasible. Instead, Alternative 1 is feasible in all respects, and thus, the Commission should adopt it for the RTRP.

Jurupa Valley submitted four prepared testimonies on the foregoing defects of the Hybrid Alignment and the feasibility of Alternative 1. Specifically, Jurupa

Valley's prepared testimonies from issues Penny Newman, Gary Thompson, Steve Loriso, and Steve Dukett were all admitted into evidence, without objection and with SCE having declined to cross-examine any of Jurupa Valley' witnesses.

II. ARGUMENTS

A. The Hybrid Alignment Is Infeasible Because of Its Egregious Social and Environmental Justice Impacts.¹

The Hybrid Alignment is infeasible because of its tremendous and intensely negative social and environmental justice impacts, forcing Jurupa Valley and its residents to bear the significant physical, social, environmental, and economic burdens of the Hybrid Alignment's massive overhead transmission lines. SCE and Riverside seek to install the Hybrid Alignment in Jurupa Valley, where it will be entirely within a statutorily-designated Disadvantaged Community that already suffers a pollution burden in the 99th percentile and whose residents predominately consist of low-income minorities facing the highest rates of poverty

¹ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (consideration of community values) because environmental justice is a component of the Jurupa Valley's community values; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Project merits approval notwithstanding the Project's significant environmental and social justice impacts; and issue 7 (whether the Project serves a present or future public convenience and necessity) because evaluating the Project's environmental and social justice impacts is relevant to determining whether the Project serves a present or future public convenience.

and unemployment in the region.² Thus, the Hybrid Alignment will force Jurupa Valley and its most vulnerable residents and communities to bear the significant, intensely negative, and permanent impacts of the Hybrid Alignment's overhead transmission for the benefit of others.³ The Commission should reject the Hybrid Alignment as infeasible for its egregious environmental and social justice impacts.

1. The Hybrid Alignment Is Inconsistent with Environmental and Social Justice Because It Will Be Placed In a Designated Disadvantaged Community in Jurupa Valley That Already Suffers From a Pollution Burden in the 99th Percentile.

First, the Hybrid Alignment is completely incompatible with environmental and social justice because it will unfairly apportion the permanent burdens and negative impacts of the RTRP's overhead transmission lines on Jurupa Valley's Disadvantaged Communities.⁴ This is because the proposed overhead transmission facilities of the Hybrid Alignment will run entirely through areas in Jurupa Valley that the California State Senate already has designated, by statute, to

² JUR-3 (Direct Testimony of Gary Thompson) p.10:21-23; JUR-4 (Direct Testimony of Penny Newman) p.5:2-11.

³ JUR-4 (Direct Testimony of Penny Newman) p.7:4-6.

⁴ JUR-4 (Direct Testimony of Penny Newman) p.13:15-17.

be a Disadvantaged Community under Senate Bill (“SB”) 535 and which have a pollution burden in the 99th percentile.⁵

Senate Bill 535 identifies disadvantaged communities in California based on multiple factors, including socioeconomic, public health, and environmental hazard criteria.⁶ Disadvantaged Communities under SB 535 include areas that are (1) disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation; and (2) areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.⁷

The SB 535 Disadvantaged Communities maps confirm that the overhead transmission facilities of the Hybrid Alignment will be placed entirely within an area of Jurupa Valley that is a designated SB 535 Disadvantaged Community.⁸ Specifically, the Hybrid Alignment’s overhead facilities in Jurupa Valley -- proceeding west on Limonite Avenue, north along the I-15, east on Landon, and north on Wineville -- are entirely within a designated SB 535 Disadvantaged

⁵ JUR-3 (Direct Testimony of Gary Thompson) p.10:4-9 and Exhibit C; JUR-4 (Direct Testimony of Penny Newman) p.5:2-11.

⁶ JUR-4 (Direct Testimony of Penny Newman) p.4:19-23, p.5:1, and Exhibit A.

⁷ *Id.*

⁸ JUR-4 (Direct Testimony of Penny Newman) p.5:2-4. The SB 535 Disadvantaged Communities and Low-Income Communities map can be accessed at

<http://oehha.maps.arcgis.com/apps/View/index.html?appid=c3e4e4e1d115468390cf61d9db83efc4>

Community.⁹ Indeed, the SB 535 Disadvantaged Communities maps demonstrate that the vast majority of Jurupa Valley consists of designated Disadvantaged Communities.¹⁰

Significantly, the SB 535 Disadvantaged Communities maps also confirm that the Hybrid Alignment's overhead transmission facilities will be located in an area of Jurupa Valley that already has a pollution burden in the 99th percentile.¹¹

The Hybrid Alignment's placement of its overhead facilities in a SB 535 Disadvantaged Community, which also has a pollution burden in the 99th percentile, is anathema to environmental and social justice. The California State Legislature defines environmental justice to mean "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies."¹² The Attorney General's Office further explains that "[f]airness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects."¹³

⁹ JUR-4 (Direct Testimony of Penny Newman) p.5:6-8 and Exhibit B.

¹⁰ JUR-4 (Direct Testimony of Penny Newman) p.5:12-14 and Exhibit B.

¹¹ JUR-4 (Direct Testimony of Penny Newman) p.5:9-11.

¹² Gov. Code § 65040.12(e).

¹³ Office of the California Attorney General – "Environmental Justice at the Local and Regional Level" July 10, 2012 at p.1 (available at https://oag.ca.gov/sites/all/files/agweb/pdfs/environment/ej_fact_sheet_final_050712.pdf)

The CPUC's pursuit of environmental justice similarly seeks to advance and protect the interests of historically underserved communities, primarily consisting of low-income, minorities, that have been treated unfairly:

“to come to terms with, and remedy, a history of unfair treatment of communities, predominately communities of people of color and/or low-income residents. These communities have been subjected to disproportionate impacts from one or more environmental hazards, socio-economic burdens, or both.”¹⁴

The Hybrid Alignment is infeasible because of its egregious environmental and social justice impacts on Jurupa Valley's Disadvantaged Communities. Specifically, the Hybrid Alignment unfairly imposes the permanent and negative environmental, economic, and social burdens of the RTRP on Jurupa Valley and its residents, who already are overburdened with pollution and negative socio-economic challenges. Imposing further environmental impacts on a community that is already designated by law as disadvantaged and which already has a pollution burden in the 99th percentile is the height of environmental and social injustice. In light of these egregious environmental justice impacts, SCE's and Riverside's support of the Hybrid Alignment is unconscionable and unfairly seeks to apportion further environmental and socio-economic harms to Jurupa Valley and its residents for the benefit of others. This is the complete opposite of a fair apportionment of the environmental and social impacts envisioned by

¹⁴ CPUC's February 21, 2019 Environmental and Social Justice Action Plan (emphasis added).

environmental justice. Accordingly, the Commission should reject the Hybrid Alignment as infeasible for its environmental and social justice impacts on Jurupa Valley's designated SB 535 Disadvantaged Communities.

Significantly, SCE's and Riverside's direct and rebuttal testimony do not dispute that the Hybrid Alignment will be placed in a designated Disadvantaged Community in Jurupa Valley. In fact, SCE's witness, Gary Busted, concedes and does not dispute that the entire proposed overhead alignment of the RTRP in Jurupa Valley is in a designated SB 535 Disadvantaged Community:

“Q. Do you dispute that the entire proposed overhead alignment of RTRP in the City of Jurupa Valley is in a designated [SB] 535 disadvantaged community?”

A. No, I did not.”¹⁵

Similarly, SCE and Riverside do not dispute that the Hybrid Alignment's location in Jurupa Valley has a pollution burden in the 99th percentile.¹⁶

Because SCE and Riverside cannot dispute the foregoing facts, SCE incorrectly argues that the Disadvantaged Community designation in the City “is deemed to be ‘disadvantaged’ largely based on whether its inhabitants are disproportionately exposed to pollution and other hazards.”¹⁷ Gary Busted's conclusions, on behalf of SCE, are incorrect because they completely ignore SB 535's multiple, stated criteria for determining whether an area is a Disadvantaged

¹⁵ Reporter's Transcript Volume 1 p.146:13-17.

¹⁶ SCE-2 (SCE Rebuttal Testimony) p.97:5-7.

¹⁷ SCE-2 (SCE Rebuttal Testimony) p.98:5-7.

Community, which go beyond just pollution and other environmental hazards. Contrary to Mr. Busteed's assertion, Senate Bill 535 identifies disadvantaged communities based on multiple socioeconomic and public health factors, including areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.¹⁸ In fact, Mr. Busteed admitted on cross-examination that the determination of whether a community qualifies as a Disadvantaged Community under SB 535 also includes areas with low-income residents and high unemployment.¹⁹ SCE's attempt to incorrectly narrow the criteria for a Disadvantaged Community neither changes the fact that the Hybrid Alignment will impact Disadvantaged Communities in Jurupa Valley nor the fact that Jurupa Valley is a Disadvantaged Community for numerous socio-economic reasons, beyond its pollution burden in the 99th percentile, as demonstrated more fully below.

Likewise, Mr. Busteed's rebuttal testimony on the location of the Hybrid Alignment is fundamentally flawed. Although Mr. Busteed asserts that the Hybrid Alignment could have been placed in worse locations with equal or greater environmental justice impacts²⁰, that does not make the currently proposed

¹⁸ JUR-4 (Direct Testimony of Penny Newman) p.4:19-23; p.5:1; and Exhibit A.

¹⁹ Reporter's Transcript Volume 1 p.144:19-28 and p.145:1-4 (low income); Reporter's Transcript Volume 1 p.145:16-22 (high unemployment).

²⁰ SCE-2 (SCE's Rebuttal Testimony) p.97:8-19 and p.99:3-100:8.

installation of the Hybrid Alignment in a statutorily designated Disadvantaged Community with a pollution burden in the 99th percentile an environmentally just or feasible location. This argument fails to establish the feasibility of locating the Hybrid Alignment in a designated Disadvantaged and Environmental Justice and Social Justice (“ESJ”) Community. This argument also falls woefully short of satisfying SCE’s burden for establishing the feasibility of the Hybrid Alignment.²¹ Indeed, under SCE’s thinking, locating a retail coffee shop at the bottom of the ocean would be feasible and justified because locating a coffee shop on the surface of the sun would arguably be worse.

2. The Hybrid Alignment Is Infeasible Because It Has Significant, Negative, and Permanent Social and Environmental Justice Impacts on Jurupa Valley, Its Disadvantaged Communities, and Its Residents.

In addition to being placed in a designated SB 535 Disadvantaged Community, which already has a pollution burden in the 99th percentile, the Hybrid Alignment also is infeasible because of its egregious environmental and

²¹ According to the CPUC’s Environmental and Social Justice Action Plan, the ESJ communities the CPUC seeks to protect are commonly made up of residents who are: predominantly communities of color or low-income; underrepresented in the policy setting or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities. ESJ communities also include Disadvantaged Communities under SB 535.

social justice impacts. Specifically, the Hybrid Alignment will eliminate over 830 jobs in Jurupa Valley, whose residents already suffer from high rates of unemployment, and eviscerate residential and commercial developments and recreational opportunities for Jurupa Valley's residents -- a large proportion of whom consist of low-income, minority communities.²²

The Hybrid Alignment is infeasible because its environmental and social justice impacts on Jurupa Valley's residents harm already under-served and disadvantaged residents. Over 75% of Jurupa Valley's residents are low and median-income minorities.²³ Indeed, Jurupa Valley's residents earn lower incomes, face higher rates of unemployment, and suffer from poverty at higher rates than the state and national averages.²⁴ The income per capita in Jurupa Valley is \$20,390, which is lower than the national average (\$31,177) and lower than the California average (\$33,128).²⁵ The poverty level in Jurupa Valley, 16%, is higher than the state average (13.3%) and the national average (12.3%).²⁶ Jurupa Valley also has a deficit of 4,247 jobs, and the City's residents face the highest unemployment rate (5.0%) in the region.²⁷

²² JUR-3 (Direct Testimony of Gary Thompson) p.7:19-23.

²³ JUR-3 (Direct Testimony of Gary Thompson) p.7:22-23.

²⁴ JUR-3 (Direct Testimony of Gary Thompson) p.8:18-20.

²⁵ JUR-3 (Direct Testimony of Gary Thompson) p.8:20-21.

²⁶ JUR-3 (Direct Testimony of Gary Thompson) p.8:21-22.

²⁷ JUR-3 (Direct Testimony of Gary Thompson) p.6:3-8.

The Hybrid Alignment, however, significantly and irreparably harms Jurupa Valley and its residents in violation of environmental and social justice standards. The Hybrid Alignment worsens the already high rate of unemployment in Jurupa Valley by removing over 830 jobs, placing an even greater economic, financial, and social burden on Jurupa Valley and its disadvantaged residents.²⁸ Jurupa Valley's residents already earn less and face poverty at higher rates than the state and national averages.²⁹ Consequently, Jurupa Valley and its residents can ill-afford the further loss of jobs and economic opportunities. Because the Hybrid Alignment takes away hundreds of jobs from Jurupa Valley's residents, who already suffer from high rates of unemployment and poverty and earn lower incomes, the Hybrid Alignment is infeasible. Consequently, the Hybrid Alignment has deeply unconscionable and unfair environmental and social justice impacts on Jurupa Valley's most vulnerable residents and communities.

The Hybrid Alignment also is infeasible because its environmental and social justice impacts will significantly damage and possibly eliminate, altogether, vital development projects along the I-15 freeway that would have created residential, economic, and recreational opportunities for Jurupa Valley and its residents. The Hybrid Alignment's overhead facilities will eviscerate large swaths of properties along its overhead route because the above-ground placement of

²⁸ JUR-3 (Direct Testimony of Gary Thompson) p.6:4-8.

²⁹ JUR-3 (Direct Testimony of Gary Thompson) p.8:18-21.

transmission facilities will cut into property owners' land and create large, no-build zones.³⁰ This will not only decrease the developable square footage of these properties but also severely decrease their property values.³¹ The significant loss of developable square footage irreparably damages and indisputably reduces the value of property. Consequently, developers and property owners will not be able to make full use of their properties; will lose significant value in their properties through Jurupa Valley's most important development corridor; and may be deterred altogether from developing these properties in the future.³²

The Hybrid Alignment's installation of massive, overhead transmission facilities in residents' backyards also will deter people from living, working, and developing businesses in the City.³³ This will create a vicious cycle that not only cripples the currently proposed and essential developments in the City but also will severely inhibit future development in the City.³⁴

Indeed, the loss of essential developments also means that Jurupa Valley's most vulnerable residents will suffer the most as the City is deprived of needed tax revenue to provide essential public services.³⁵ For example, Jurupa Valley's attempt to rectify the inequities and conditions in Disadvantaged Communities,

³⁰ JUR-4 (Direct Testimony of Penny Newman) p.6:26-28.

³¹ JUR-3 (Direct Testimony of Gary Thompson) p.6:12-19.

³² JUR-3 (Direct Testimony of Gary Thompson) p.6:1-7:9.

³³ JUR-3 (Direct Testimony of Gary Thompson) p.7:25-26.

³⁴ JUR-3 (Direct Testimony of Gary Thompson) p.7:16-19.

³⁵ JUR-3 (Direct Testimony of Gary Thompson) p.8:28-9:1.

through mechanisms like the City's Environmental Justice Element and investment in Jurupa Valley's vulnerable neighborhoods, will be significantly curtailed by the Hybrid Alignment's removal of much-needed funding and revenues for the City.³⁶ Thus, the Hybrid Alignment is infeasible because its environmental and social justice impacts severely damage the proposed and future developments of Jurupa Valley's most important development corridor, removing essential economic, residential, and recreational opportunities for Jurupa Valley and its disadvantaged residents.

Finally, the Hybrid Alignment is infeasible because its shocking environmental and social justice impacts force Jurupa Valley's disadvantaged, low-income, and minority communities to bear the burdens of the Hybrid Alignment for the benefit of others -- SCE and Riverside.³⁷ More shocking is SCE's willingness to underground the RTRP through a golf course, but not through all of Jurupa Valley's community, including its designated Disadvantaged and ESJ Communities. The foregoing, permanent, and negative impacts of the Hybrid Alignment will be forced upon low-income minorities in Jurupa Valley, but these are precisely the residents and people that should be protected from being disproportionately and negatively impacted by the Hybrid Alignment.³⁸ That these burdens are being placed on low-income minorities for the benefit of

³⁶ JUR-4 (Direct Testimony of Penny Newman) p.7:16-19.

³⁷ JUR-4 (Direct Testimony of Penny Newman) p.7:4-6.

³⁸ JUR-4 (Direct Testimony of Penny Newman) p.7:6-9.

Riverside's residents and SCE is the height of social injustice.³⁹ Riverside's residents get the benefit of the Hybrid Alignment, while unfairly shifting all of the permanent, negative burdens onto Jurupa Valley's disadvantaged residents.⁴⁰ The Hybrid Alignment perpetuates an unfair cycle of giving more to the "haves" at the expense of the "have-nots." This is completely incompatible with environmental and social justice, rendering the Hybrid Alignment infeasible.⁴¹

Indeed, the injustice here is fully exposed by SCE's development of the Hybrid Alignment: SCE is willing to underground the RTRP through a golf course, yet SCE has refused to underground in all of the residential areas in the City's Disadvantaged Communities where particularly vulnerable residents live and work.⁴²

To the extent SCE and Riverside rely upon Mr. Busted's rebuttal testimony in opposition to Jurupa Valley's environmental and social justice evidence and arguments, such reliance is unavailing. Mr. Busted has no accreditation, licensing, or degrees in urban planning and has no employment experienced with any municipality or city.⁴³ Likewise, Mr. Busted's resume and testimony, including his employment with SCE and the National Park Service, do not indicate any significant expertise or experience in environmental or social

³⁹ JUR-4 (Direct Testimony of Penny Newman) p.7:9-10.

⁴⁰ JUR-4 (Direct Testimony of Penny Newman) p.7:10-12.

⁴¹ JUR-3 (Direct Testimony of Gary Thompson) p.9:5-6.

⁴² JUR-3 (Direct Testimony of Gary Thompson) p.9:7-16.

⁴³ Reporter's Transcript Volume 1 p.142:5-11.

justice or the analysis of a project's impacts on a municipality according to those standards.

In contrast, Penny Newman has over 40 years of experience in environmental and social justice, serving as the Founder, Board Member Emeritus, and former Executive Director of the Center for Community Action and Environmental Justice.⁴⁴⁴⁵ In addition, through her work on remediating the Stringfellow Acid Pits, Ms. Newman has made significant advancements in environmental justice, which have led to numerous policy changes and improvements in furtherance of environmental justice, such as the establishment of a State Superfund program and establishing the model for public participation in the federal CERCLA (Superfund) process.⁴⁶

Ms. Newman has written extensively on environmental justice issues; has been featured in several books and media programs on environmental justice; and has been and continues to be a speaker, trainer and advisor locally, regionally, nationally and internationally on environmental justice issues, conducting workshops around the nation and in China, Russia, India, and Cuba.⁴⁷ In Ms.

⁴⁴ JUR-4 (Direct Testimony of Penny Newman) p.1:9-11.

⁴⁵ CCAEJ promotes social and environmental justice by empowering low income communities of color through community capacity building, leadership development, policy advocacy, civic engagement, and public outreach. JUR-4 (Newman Direct Testimony) p.1:15-17.

⁴⁶ JUR-4 (Direct Testimony of Penny Newman) p.1:23-27; p.2:1-10; and p.2:15-3:9.

⁴⁷ JUR-4 (Direct Testimony of Penny Newman) p.2:11-14.

Newman’s capacity as an environmental and social justice expert, Ms. Newman has testified before Congress on environmental and toxic waste issues and presented before the National Academy of Sciences and before the White House Interagency Working Group on Environmental Justice under the Obama administration.⁴⁸ The expert evidence, opinions, and arguments presented by Ms. Newman in support of Jurupa Valley’s environmental and social justice arguments remain dispositive on these issues, notwithstanding SCE’s misplaced reliance on Mr. Busted’s marked lack of experience and expertise in environmental and social justice.

Ms. Newman’s undisputed, direct testimony best frames the Hybrid Alignment’s environmental and social injustice:

“The primary driving force for incorporating into a City by many residents was a rebellion against the County of Riverside’s neglect and targeting of our area for unwanted and damaging projects, and the desire to chart our own future away from outside intrusion. Approval of the RTRP’s Hybrid Alignment will continue this unjust victimization of our community.”⁴⁹

///

///

///

///

///

⁴⁸ JUR-4 (Direct Testimony of Penny Newman) p.3:10-13.

⁴⁹ JUR-4 (Direct Testimony of Penny Newman) p.7:26-8:2 (emphasis added).

B. The Hybrid Alignment Is Infeasible Because It Is Completely Incompatible With the CPUC's Environmental and Social Justice Action Plan.⁵⁰

The Hybrid Alignment is anathema to the CPUC's Environmental and Social Justice Action Plan ("ESJAP") because the Hybrid Alignment undermines the fundamental goals and policies of the ESJAP. Tellingly, neither Riverside nor SCE presented any evidence or testimony on this issue, effectively conceding that the Hybrid Alignment is incompatible with the ESJAP and infeasible on that basis.

Under the ESJAP, the CPUC seeks to uphold environmental justice by advancing and protecting the interests of historically underserved communities, primarily consisting of low-income, minorities, that have been treated unfairly:

"to come to terms with, and remedy, a history of unfair treatment of communities, predominately communities of people of color and/or low-income residents. These communities have been subjected to disproportionate impacts from one or more environmental hazards, socio-economic burdens, or both."⁵¹

⁵⁰ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (consideration of community values) because this section analyzes environmental justice, which is a component of the City's community values; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Project merits approval notwithstanding the Project's significant and negative impacts on the CPUC's own standards for evaluating environmental and social justice; and issue 7 (whether the Project serves a present or future public convenience and necessity) because evaluating the Project's impacts on the CPUC's standards for environmental and social justice is relevant to determining whether the Project serves a present or future public convenience.

⁵¹ JUR-4 (Direct Testimony of Penny Newman) p.12:14-20.

Thus, the environmental and social justice philosophies adopted by the ESJAP “generally encompass the goal of ensuring fairness in the distribution of harms and benefits.”⁵² The CPUC accomplishes this through “implementing legislation . . . [and the CPUC’s] broad authority and the administrative discretion to shape programs and direct resources in a manner that furthers equity objectives.”⁵³

According to the CPUC, the Environmental Justice and Social Justice (“ESJ”) communities the CPUC seeks to protect are commonly made up of residents who are: predominantly communities of color or low-income; underrepresented in the policy setting or decision-making process; subject to a disproportionate impact from one or more environmental hazards; and likely to experience disparate implementation of environmental regulations and socio-economic investments in their communities.⁵⁴ ESJ communities also include Disadvantaged Communities under SB 535.⁵⁵ Significantly, the CPUC’s Environmental and Social Justice Action Plan recognizes that “[n]umerous studies show that a variety of environmental harms are disproportionately located in low-income communities and communities of color. As a result, air quality, for example, in California ESJ communities is often measurably worse than in other

⁵² JUR-3 (Direct Testimony of Gary Thompson) p.11:9-11.

⁵³ JUR-3 (Direct Testimony of Gary Thompson) p.11:11-13.

⁵⁴ JUR-3 (Direct Testimony of Gary Thompson) p.11:14-19.

⁵⁵ JUR-4 (Direct Testimony of Penny Newman) p.13:1-2.

communities.”⁵⁶ Thus, under the ESJAP, the CPUC seeks to fairly distribute the harms and benefits of projects through the implementation of legislation and the CPUC’s broad authority and administrative discretion to shape programs and direct resources.⁵⁷

In furtherance of environmental and social justice, the CPUC has adopted specific Action Plan goals.⁵⁸ Goal 1 tasks the CPUC with integrating equity and access considerations through the CPUC’s regulatory activities. This goal asks that the CPUC consider the potential positive or negative effects that relevant regulatory activities might have on ESJ Communities.⁵⁹ Goal 2, in part, seeks to prioritize environmental and health benefits for ESJ communities and minimize any further degradation of already impacted communities.⁶⁰ Goal 6 seeks to enhance enforcement to ensure safety and consumer protection for ESJ communities.⁶¹ Finally, Goal 7 seeks to promote economic and workforce development opportunities in ESJ communities.⁶² To do so, the CPUC states that it will “seek to bring economic development opportunities to ESJ communities

⁵⁶ JUR-3 (Direct Testimony of Gary Thompson) p.11:20-23.

⁵⁷ JUR-4 (Direct Testimony of Penny Newman) p.13:2-5.

⁵⁸ JUR-4 (Direct Testimony of Penny Newman) p.13:6-7.

⁵⁹ JUR-4 (Direct Testimony of Penny Newman) p.13:7-9.

⁶⁰ JUR-4 (Direct Testimony of Penny Newman) p.13:9-12.

⁶¹ JUR-3 (Direct Testimony of Gary Thompson) p.12:1-2.

⁶² JUR-4 (Direct Testimony of Penny Newman) p.13:11-12.

when appropriate through program development, initiatives, and decisions within the Commission's jurisdiction."⁶³

The Hybrid Alignment, however, is inconsistent with the foregoing goals in the ESJAP because the Hybrid Alignment unfairly apportions the RTRP's greatest, most negative, and permanent impacts on Jurupa Valley's designated Disadvantaged and ESJ Communities.⁶⁴ This completely contradicts Goals 1 and 2, which seek to promote equity and prioritize environmental and health benefits for ESJ Communities.⁶⁵ The Hybrid Alignment will install the RTRP's overhead facilities entirely within an ESJ community in Jurupa Valley -- Jurupa Valley's designated Disadvantaged Communities.⁶⁶ This harms Jurupa Valley's most vulnerable residents, which consist of low-income and minority residents.⁶⁷ Most damning of all, this is completely inconsistent with the CPUC's equity goals and desire to fairly distribute harms and benefits.⁶⁸ The Hybrid Alignment's overhead components impose their most significant, negative, and permanent burdens and impacts on Jurupa Valley for the benefit of SCE and Riverside.⁶⁹ This unfairly places even further social, economic, and environmental burdens on the City's

⁶³ JUR-3 (Direct Testimony of Gary Thompson) p.12:3-6.

⁶⁴ JUR-3 (Direct Testimony of Gary Thompson) p.12:7-10.

⁶⁵ JUR-4 (Direct Testimony of Penny Newman) p.13:14-17.

⁶⁶ JUR-4 (Direct Testimony of Penny Newman) p.4:13-15.

⁶⁷ JUR-4 (Direct Testimony of Penny Newman) p.13:14-18.

⁶⁸ JUR-4 (Direct Testimony of Penny Newman) p.13:18-21.

⁶⁹ *Id.*

most sensitive and at-risk residents, who already suffer from a pollution burden in the 99th percentile.⁷⁰

Finally, the Hybrid Alignment of the RTRP is incompatible with Goal 7 of the ESJAP because the Hybrid Alignment does not promote economic and workforce development opportunities in ESJ communities.⁷¹ Instead, as demonstrated above, the Hybrid Alignment will severely damage the most valuable economic development and resource Jurupa Valley and its residents have (the I-15 corridor), eliminating essential jobs and revenue in a City that already has residents earning less, suffering higher rates of poverty, and challenged by higher rates of unemployment.⁷² Current development entitlements and projects in the City would be significantly harmed by the RTRP's overhead alignment because the overhead components would take up massive swaths of property, drastically lower property values, and drive development and people from the area.⁷³

The Hybrid Alignment further violates the ESJAP through SCE's agreement to underground the RTRP through a golf course but not through designated Disadvantaged and ESJ Communities in the City.⁷⁴ It is entirely

⁷⁰ JUR-4 (Direct Testimony of Penny Newman) p.13:21-22.

⁷¹ JUR-4 (Direct Testimony of Penny Newman) p.13:22-25.

⁷² JUR-4 (Direct Testimony of Penny Newman) p.13:25-27; JUR-3 (Direct Testimony of Gary Thompson) p.13:1-6.

⁷³ JUR-3 (Direct Testimony of Gary Thompson) p.13:6-9.

⁷⁴ JUR-4 (Direct Testimony of Penny Newman) p.13:21-22.

inconsistent with the goals of the ESJAP for the Commission to approve undergrounding a transmission line through a golf course and an existing community, while denying the same opportunity to underground transmission through commercial and residential areas that would serve ESJ and Disadvantaged Communities -- particularly when the Hybrid Alignment will have permanent, negative impacts on ESJ and Disadvantaged Communities in Jurupa Valley.⁷⁵

Significantly, neither Riverside nor SCE presented any evidence or testimony on the Hybrid Alignment's inconsistency with the ESJAP. Indeed, SCE's witness testified that he did not look at or address whether the RTRP complies with the CPUC's ESJAP.⁷⁶ Consequently, Jurupa Valley's evidence and arguments on the Hybrid Alignment's inconsistency with the ESJAP remain undisputed, and SCE and Riverside effectively concede the issue. Thus, the Hybrid Alignment is deeply incompatible with the CPUC's stated goals and philosophies in the ESJAP and for that reason, alone, the CPUC should reject the Hybrid Alignment as infeasible.

///

///

///

///

⁷⁵ JUR-4 (Direct Testimony of Penny Newman) p.7:12-15; JUR-3 (Direct Testimony of Gary Thompson) p.12:20-25.

⁷⁶ See Reporter's Transcript Volume 1 p.151:26-152:9.

C. The Hybrid Alignment Is Infeasible Because Its Overhead Transmission Lines Create Severe Fire Hazards.⁷⁷

Furthermore, the Hybrid Alignment's overhead transmission lines create severe fire hazards, especially since overhead transmission lines have already caused several, devastating fires in California.⁷⁸ For example, on June 8, 2018, CAL FIRE determined that 12 northern California wildfires in the October 2017 Fire Siege were caused by the failure of overhead transmission line components.⁷⁹ Tragically, the 12 northern California wildfires resulted in 18 civilian fatalities, as the October 2017 Fire Siege burned more than 245,000 acres in Northern California.⁸⁰ At tremendous risk to personal safety and significant financial cost, more than 11,000 firefighters from 17 states battled the October 2017 Fire Siege.⁸¹

The recent fire devastation from overhead power lines underscore the safety issues and stakes of placing the Hybrid Alignment's overhead transmission lines

⁷⁷ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (consideration of community values) because this section analyzes fire hazards, which is related to the City's public safety community values; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Hybrid Alignment merits approval notwithstanding its significant fire hazards; and issue 7 (whether the Project serves a present or future public convenience and necessity) because evaluating the Hybrid Alignment's impacts on fire hazards is relevant to determining whether the Project serves a present or future public convenience.

⁷⁸ JUR-4 (Direct Testimony of Penny Newman) p.9:24-25.

⁷⁹ June 8, 2018 CAL FIRE News Release.

⁸⁰ *Id.*

⁸¹ June 8, 2018 and May 25, 2018 CAL FIRE News Releases.

in high risk fire areas.⁸² The south/west portions of Jurupa Valley abut the Santa Ana River, which is known as a high fire area and has been designated by CAL FIRE as a “**Very High Fire Hazard Severity Zone.**”⁸³ Fires from this location have threatened Jurupa Valley’s residents for years and placing overhead high-voltage transmission lines in a very high fire hazard severity zone according to the Hybrid Alignment heightens that threat.⁸⁴ Thus, the Hybrid Alignment unconscionably and unnecessarily increases the fire risks faced by Jurupa Valley, its residents, and the first responders in the region, especially because the fire threats of the Hybrid Alignment could be eliminated by undergrounding the RTRP according to the Environmentally Superior Alternative.⁸⁵

///

///

///

///

///

///

///

///

///

⁸² JUR-4 (Direct Testimony of Penny Newman) p.9:24-25.

⁸³ JUR-4 (Direct Testimony of Penny Newman) p.9: 22-28; p. 10: 1-7.

⁸⁴ JUR-4 (Direct Testimony of Penny Newman) p.10:2-4.

⁸⁵ JUR-4 (Direct Testimony of Penny Newman) p.10:2-7 and p.14:7-15.

D. The Hybrid Alignment is Infeasible Because Its Financial Impacts Significantly and Negatively Harm Jurupa Valley and Its Residents.⁸⁶

In addition, the Hybrid Alignment is infeasible because it will be extremely detrimental to Jurupa Valley's short- and long-term financial health and future, eliminating essential employment opportunities, tax revenues, and development from the City.⁸⁷ Simply put, the Hybrid Alignment will be the catalyst for a long line of severe revenue losses, property damage, and asset devaluation for Jurupa Valley.⁸⁸

First, Urban Futures, Inc.'s 2019 Fiscal and Economic Impact Analysis of the Hybrid Alignment's impacts on the City ("Urban Futures Analysis") confirms that the Hybrid Alignment will significantly damage the value of the City's most important assets and cause substantial economic harm to the City.⁸⁹ Specifically,

⁸⁶ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (consideration of community values) because economic and fiscal health of the City is a component of the Jurupa Valley's community values; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Hybrid Alignment merits approval notwithstanding its significant and negative financial impacts; and issue 7 (whether the Project serves a present or future public convenience and necessity) because evaluating the Hybrid Alignment's financial impacts is relevant to determining whether the Hybrid Alignment serves a present or future public convenience.

⁸⁷ JUR-3 (Direct Testimony of Gary Thompson) p.5:8-10.

⁸⁸ JUR-3 (Direct Testimony of Gary Thompson) p.7:10-11.

⁸⁹ JUR-3 (Direct Testimony of Gary Thompson) p.5:13-16; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

the Urban Futures Analysis demonstrates that the City is operating on razor-thin margins and will lose much-needed revenues if the Hybrid Alignment is built.⁹⁰ For Fiscal Year 2018-2019, the City has General Fund Recurring Revenues of \$36,170,467, but has General Fund Recurring Expenditures of \$35,918,012, leaving a surplus of only \$252,444.⁹¹ That surplus is projected to dwindle in Fiscal Year 2019-2020 to only \$164,142.⁹² The Hybrid Alignment, however, will result in the loss of approximately \$2,600,000 in tax revenue over the first ten years.⁹³ Thus, the Hybrid Alignment will impose a significant financial burden on Jurupa Valley by causing the City to operate at a deficit for the foreseeable future. Indeed, because the impacts of the Hybrid Alignment would be permanent, the Urban Futures Analysis confirms that the loss of tax revenues would grow arithmetically over future decades and be permanently lost.⁹⁴ Thus, the Hybrid Alignment will harm Jurupa Valley financially and prevent the City from

⁹⁰ JUR-3 (Direct Testimony of Gary Thompson) p.5:17-20.

⁹¹ JUR-3 (Direct Testimony of Gary Thompson) p.5:21-23; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

⁹² JUR-3 (Direct Testimony of Gary Thompson) p.5:23; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

⁹³ JUR-3 (Direct Testimony of Gary Thompson) p.5:24-25; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

⁹⁴ JUR-3 (Direct Testimony of Gary Thompson) p.5:25-27; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

recovering in future years as the revenue losses caused by the Hybrid Alignment would worsen over time and be permanent.⁹⁵

Second, the Urban Futures Analysis confirms that the Hybrid Alignment will significantly damage Jurupa Valley's financial and economic health because the Hybrid Alignment will exacerbate Jurupa Valley's already high rate of unemployment through the loss of over 830 jobs.⁹⁶ Jurupa Valley has a deficit of 4,247 jobs and has the highest unemployment rate (5.0%) in the region.⁹⁷ The Hybrid Alignment, however, worsens the already high rate of unemployment in Jurupa Valley by eliminating over 830 jobs, placing an even greater economic, financial, and social burden on Jurupa Valley and its disadvantaged residents.⁹⁸ Indeed, Jurupa Valley's loss of essential employment opportunities caused by the Hybrid Alignment has a cascading effect, leading to Jurupa Valley's corresponding loss of approximately \$7,000,000 in direct employee spending and approximately \$15,000,000 in indirect employee spending.⁹⁹

Third, the Hybrid Alignment's overhead transmission lines will destroy the heart of Jurupa Valley's most important economic resource and commercial

⁹⁵ JUR-3 (Direct Testimony of Gary Thompson) p.5:27-28 and p.6:1; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

⁹⁶ JUR-3 (Direct Testimony of Gary Thompson) p.6:2-4.

⁹⁷ JUR-3 (Direct Testimony of Gary Thompson) p.6:4-5; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

⁹⁸ JUR-3 (Direct Testimony of Gary Thompson) p.6:5-8.

⁹⁹ JUR-3 (Direct Testimony of Gary Thompson) p.6:8-10; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

corridor along the I-15.¹⁰⁰ The Hybrid Alignment will substantially reduce the value of properties along the I-15 corridor because it will take broad swaths of the property in the path of the Hybrid Alignment's overhead transmission facilities.¹⁰¹ Specifically, the Hybrid Alignment will eliminate approximately 700,000 square feet of building square footage; 34 acres of the project areas along the I-15 corridor; and 32 single-family dwelling units.¹⁰² Thus, the placement of massive, overhead transmission facilities on properties will not only result in a physical taking of land where overhead facilities will be placed, but also reduce property values by drastically reducing the developable square footage of these properties to accommodate the Hybrid Alignment's 100 foot-wide rights-of-way as no-build-zones.¹⁰³ This loss of land will severely hinder developers' and Jurupa Valley's ability to leverage and develop the I-15 corridor and irreparably damage Jurupa Valley's most important economic and development asset.¹⁰⁴

Indeed, Jurupa Valley's planned development projects along the I-15 corridor, including the Lesso - Thoroughbred Farms and Sky Country/Vernola Trust North, are crucial for Jurupa Valley's sustainability and economic

¹⁰⁰ JUR-3 (Direct Testimony of Gary Thompson) p.5:11-13.

¹⁰¹ JUR-3 (Direct Testimony of Gary Thompson) p.6:11-12; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

¹⁰² JUR-3 (Direct Testimony of Gary Thompson) p.6:12-14; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

¹⁰³ JUR-3 (Direct Testimony of Gary Thompson) p.6:14-17; p.6.:26-28; p.7:2-4.

¹⁰⁴ JUR-3 (Direct Testimony of Gary Thompson) p.6:14-15.

livelihood.¹⁰⁵ Jurupa Valley was planned and incorporated based upon the assumption that the I-15 corridor could be developed to its full market potential and that the economic benefits of that development, including tax revenues, job creation, and the provision of the commercial and retail infrastructure for a new community.¹⁰⁶ Thus, the viability of fully developing the I-15 corridor is absolutely essential to the success of Jurupa Valley.¹⁰⁷ The Hybrid Alignment, however, will eviscerate those developments and opportunities because it will physically take large swaths of those properties and further take 100 foot-wide rights-of-way as no-build-zones to accommodate the location of overhead transmission towers and lines.¹⁰⁸ This significant loss of land will preclude the current development projects because those projects will lose their entitlements, resulting in significant property and monetary damage to the developers that will at a minimum, irreparably hamper the development potential of these properties and at worst, eliminate current and future developments, altogether.¹⁰⁹ If the Hybrid Alignment significantly limits current development, it could drive away future development along the I-15 corridor, resulting in a further, significant devaluation of and economic loss in property values, development opportunities,

¹⁰⁵ JUR-3 (Direct Testimony of Gary Thompson) p.6:20-22.

¹⁰⁶ JUR-3 (Direct Testimony of Gary Thompson) p.6:22-26; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

¹⁰⁷ *Id.*

¹⁰⁸ JUR-3 (Direct Testimony of Gary Thompson) p.6:26-28.

¹⁰⁹ JUR-3 (Direct Testimony of Gary Thompson) p.7:2-9; p.7:16-18.

employment opportunities, and tax revenue.¹¹⁰ Consequently, the Hybrid Alignment will be the catalyst for a long line of severe revenue losses, property damage, and asset devaluation for Jurupa Valley.¹¹¹

As shown in the Urban Futures Analysis, if the Hybrid Alignment of the RTRP were approved and developers lose their entitlements, the Hybrid Alignment could potentially eliminate those development projects altogether, resulting in the loss of thousands of jobs in construction, direct, and indirect employment.¹¹² Even if the Hybrid Alignment does not eliminate those projects outright, it will cause the loss of over 830 jobs.¹¹³ As demonstrated above, this will eliminate much-needed employment opportunities for Jurupa Valley's residents, the vast majority of whom are low to median-income minorities and who suffer from the highest rate of unemployment, poverty, and low-incomes.¹¹⁴ These are the residents who will be deprived of housing, economic, and recreational opportunities, which will dis-incentivize people from living, working, and developing businesses in the City.¹¹⁵ This will, in turn, cause a further, significant loss in tax revenues and population base, stagnating Jurupa Valley's

¹¹⁰ JUR-3 (Direct Testimony of Gary Thompson) p.7:4-9.

¹¹¹ JUR-3 (Direct Testimony of Gary Thompson) p.7:10-11.

¹¹² JUR-3 (Direct Testimony of Gary Thompson) p.7:16-19; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

¹¹³ JUR-3 (Direct Testimony of Gary Thompson) p.7:19-20; JUR-2 (Direct Testimony of Steven Dukett Exhibit A).

¹¹⁴ JUR-3 (Direct Testimony of Gary Thompson) p.7:20-22.

¹¹⁵ JUR-3 (Direct Testimony of Gary Thompson) p.7:23-28.

ability to continue to grow the tax and population base it needs to financially survive.¹¹⁶

Jurupa Valley only has a small window of time and opportunity in the current market and with the currently-proposed development projects to leverage the I-15 corridor to grow its revenue base and ensure financial and economic sustainability.¹¹⁷ The Hybrid Alignment, however, will irreparably change the market conditions for development in the I-15 corridor by eliminating massive swaths of developable square-footage on the I-15 properties and eviscerating the current entitlements for development projects.¹¹⁸ Consequently, the Hybrid Alignment will close the window of opportunity for Jurupa Valley to fully and viably develop the I-15 corridor and dramatically hinder Jurupa Valley's ability to address its current budget deficit, leading to the depletion of reserves, fiscal insolvency, and potential bankruptcy or disincorporation of the City, itself.¹¹⁹

Thus, in light of the Hybrid Alignment's significant, negative financial impacts on Jurupa Valley, the Commission should reject the Hybrid Alignment as infeasible.

¹¹⁶ JUR-3 (Direct Testimony of Gary Thompson) p.7:25-28.

¹¹⁷ JUR-3 (Direct Testimony of Gary Thompson) p.8:3-5.

¹¹⁸ JUR-3 (Direct Testimony of Gary Thompson) p.8:5-7; p.7:2-6.

¹¹⁹ JUR-3 (Direct Testimony of Gary Thompson) p.8:5-9.

E. The Hybrid Alignment is Infeasible Because It Is Completely Inconsistent with Jurupa Valley's Community Values.¹²⁰

Finally, the Hybrid Alignment is infeasible because it is inconsistent with Jurupa Valley's Community Values.¹²¹ Significantly, neither SCE nor Riverside presented any evidence or arguments in their direct or rebuttal testimonies analyzing the Hybrid Alignment's inconsistency with Jurupa Valley's Community Values. Thus, SCE and Riverside have conceded that issue here.

According to Jurupa Valley's 2017 General Plan, Jurupa Valley's Community Values include, among other things: economic and fiscal health; environmental justice; open space and visual quality; a small-town feel; an active outdoor life; and being a Community of Communities that emphasizes the positive qualities that make Jurupa Valley's communities unique and enhances Jurupa Valley's "gateways" to welcome residents and visitors.¹²²

¹²⁰ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (consideration of community values) because this section analyzes the City's community values and how the Hybrid Alignment impacts those community values; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Hybrid Alignment merits approval notwithstanding its significant and negative impacts on community values; and issue 7 (whether the Project serves a present or future public convenience and necessity) because evaluating the Hybrid Alignment's impacts on community values is relevant to determining whether the Project serves a present or future public convenience.

¹²¹ JUR-4 (Direct Testimony of Penny Newman) p.10:18-19.

¹²² JUR-4 (Direct Testimony of Penny Newman) p.10:10-15 and Exhibit D.

The Hybrid Alignment, however, is completely contradictory to Jurupa Valley's Community Values.¹²³

First, the Hybrid Alignment is fundamentally inconsistent with Jurupa Valley's Community Value of environmental justice.¹²⁴ As demonstrated above, the Hybrid Alignment forces Jurupa Valley's low-income, minority residents who already live in designated Disadvantaged and ESJ Communities with a pollution burden in the 99th percentile to bear the permanent and negative impacts of the Hybrid Alignment for the benefit of others -- SCE and Riverside.¹²⁵ This is completely contradictory to Jurupa Valley's core Community Value of environmental justice, which seeks to equitably balance the harms and environmental impacts of projects and protect vulnerable communities, such as the Jurupa Valley's low-income, minority residents.¹²⁶

The Hybrid Alignment is contradictory to Jurupa Valley's Community Value of economic and fiscal health because the Hybrid Alignment will significantly harm Jurupa Valley's economic and fiscal health.¹²⁷ As demonstrated above, the Hybrid Alignment will eliminate over 830 jobs; significantly devalue properties in the area; significantly damage currently

¹²³ JUR-4 (Direct Testimony of Penny Newman) p.10:18-19.

¹²⁴ JUR-4 (Direct Testimony of Penny Newman) p.11:5-6.

¹²⁵ JUR-4 (Direct Testimony of Penny Newman) p.11:6-9; JUR-3 (Direct Testimony of Gary Thompson) p.16:2-4.

¹²⁶ JUR-4 (Direct Testimony of Penny Newman) p.11:9-11.

¹²⁷ JUR-3 (Direct Testimony of Gary Thompson) p.15:24-26.

proposed and future development in the area; and eliminate significant revenue sources for Jurupa Valley and its residents.¹²⁸ These losses will have long-term, negative impacts on Jurupa Valley's economic and fiscal health, rendering the Hybrid Alignment incompatible with this core Community Value.¹²⁹

The Hybrid Alignment also is incompatible with Jurupa Valley's Community Values of maintaining a small-town feel and developing a Community of Communities.¹³⁰ The City largely consists of small-scale residential and commercial uses, creating a small-town feel that the Hybrid Alignment will significantly diminish.¹³¹ Instead of enjoying residential, commercial, and recreational views and uses, the Hybrid Alignment will force an unsightly and undesirable industrial character onto Jurupa Valley through the addition of overhead transmission facilities that are significantly taller and visually obtrusive to anything else in the area.¹³²

The Hybrid Alignment also does not align with Jurupa Valley's Community Value of being a Community of Communities because the Hybrid Alignment does not emphasize the most important and positive qualities of Jurupa Valley to welcome visitors and residents.¹³³ Instead, the Hybrid Alignment will

¹²⁸ JUR-3 (Direct Testimony of Gary Thompson) p.15:21-24.

¹²⁹ JUR-3 (Direct Testimony of Gary Thompson) p.5:8-10 and p.15:24-26.

¹³⁰ JUR-4 (Direct Testimony of Penny Newman) p.11:12-13.

¹³¹ JUR-4 (Direct Testimony of Penny Newman) p.11:13-15.

¹³² JUR-4 (Direct Testimony of Penny Newman) p.11:15-18.

¹³³ JUR-4 (Direct Testimony of Penny Newman) p.11:18-20.

install jarring and unwelcoming overhead transmission facilities at the most important gateways of Jurupa Valley, significantly deteriorating the City's small-town feel and character.¹³⁴

Finally, the Hybrid Alignment is incompatible with Jurupa Valley's Community Value of preserving open space and the visual quality of the City.¹³⁵ The overhead transmission facilities of the Hybrid Alignment will irreparably damage the Jurupa Valley's scenic views and the residential, commercial, and recreational views in the City by installing massive towers and facilities that will dominate the landscape and be visually jarring through the most important residential and commercial areas of Jurupa Valley.¹³⁶ For example, the Hybrid Alignment will install overhead transmission facilities on Wineville Avenue, which would dwarf the size of anything else in the area and be visually obtrusive to residents East of Wineville.¹³⁷ The Hybrid Alignment will fundamentally alter the views and landscape in this area, installing massive overhead transmission that would literally tower over everything else and dominate the views of residents living East of Wineville.¹³⁸ This will irreparably damage the residential and commercial character of the area.¹³⁹ Furthermore, the Hybrid Alignment will be a

¹³⁴ JUR-4 (Direct Testimony of Penny Newman) p.11:20-22

¹³⁵ JUR-3 (Direct Testimony of Gary Thompson) p.16:6-27.

¹³⁶ JUR-3 (Direct Testimony of Gary Thompson) p.16:8-12.

¹³⁷ JUR-3 (Direct Testimony of Gary Thompson) p.17:12-28.

¹³⁸ *Id.*

¹³⁹ JUR-3 (Direct Testimony of Gary Thompson) p.17:28-18:2.

visually jarring and unwelcoming fixture at one of the most important gateways heading South into Jurupa Valley's residential and commercial core.¹⁴⁰

The Hybrid Alignment also will degrade Jurupa Valley's scenic mountain views of Mount San Antonio and Mount Baldy at Wineville Avenue between Cantu Galleano Ranch Road and Landon Drive and along the I-15 and north of Limonite Avenue.¹⁴¹ The Hybrid Alignment will significantly degrade views of the mountains to the north and south, impairing views that would otherwise be enjoyed by motorists traveling on Wineville, residents living along Wineville, and users of the recreational path on Wineville.¹⁴² This is contrary to Jurupa Valley's Community Value of preserving the visual quality of the City as the Hybrid Alignment will permanently degrade Jurupa Valley's visual quality and character.¹⁴³

Finally, the Hybrid Alignment of the RTRP is damaging to Jurupa Valley's public safety Community Values.¹⁴⁴ Placing high voltage transmission lines in a "Very High Fire Hazard Severity Zone" unconscionably and unnecessarily increases the fire threats for Jurupa Valley and its residents, especially when those

¹⁴⁰ JUR-3 (Direct Testimony of Gary Thompson) p.17:21-24 and p.18:27-19:2.

¹⁴¹ JUR-3 (Direct Testimony of Gary Thompson) p.17:12-15 and p.17:17-19.

¹⁴² JUR-3 (Direct Testimony of Gary Thompson) p.17:12-28.

¹⁴³ JUR-4 (Direct Testimony of Penny Newman) p.11:28-12:2.

¹⁴⁴ JUR-4 (Direct Testimony of Penny Newman) p.12:3-4.

fire hazards could be eliminated altogether by undergrounding the RTRP according to the Environmentally Superior Alternative.¹⁴⁵

Significantly, neither SCE nor Riverside presented any evidence or arguments in their direct or rebuttal testimonies analyzing the Hybrid Alignment's inconsistency with Jurupa Valley's Community Values. Indeed, Mr. Busted admitted that he did not analyze whether the RTRP conflicts or complies with Jurupa Valley's General Plan, which defines the City's Community Values, and further, conceded that he did not review General Plan terms and is not an expert on analyzing general plan consistency: "As far as an opinion on whether or not the project conflicts with the plan, I didn't review the general plan, sir, in terms of how it conflicts . . . I'm not an expert on the general plan and I didn't review it."¹⁴⁶

Likewise, neither SCE's nor Riverside's rebuttal testimony addresses Jurupa Valley's direct testimony on Community Values. Mr. Busted admits this oversight and further admits that he did not address whether the Hybrid Alignment complies or conflicts with Jurupa Valley's Community Values: "in regard to my testimony, I didn't refer to his comments regarding community values"¹⁴⁷

SCE and Riverside presented absolutely no evidence or arguments in their direct or rebuttal testimony regarding the Hybrid Alignment's inconsistency with Jurupa Valley's Community Values. In light of SCE's and Riverside's concession

¹⁴⁵ JUR-4 (Direct Testimony of Penny Newman) p.12:4-6 and p.14:7-15.

¹⁴⁶ Reporter's Transcript Volume 1 p.147:19-22 and p.148:28-149:1.

¹⁴⁷ Reporter's Transcript Volume 1 p.148:4-6 and p.149:14-19.

on these issues and the foregoing evidence and arguments presented by Jurupa Valley, the Commission should conclude that the Hybrid Alignment is infeasible because it is deeply incompatible with Jurupa Valley's Community Values.

F. **Alternative 1 Is Feasible Because SCE Will Not Have to Pay Any Right of Way Acquisition Costs For Undergrounding in the City.**¹⁴⁸

The Commission should adopt Alternative 1 because it is economically feasible and is the Environmentally Superior Alternative, having none of the disqualifying infeasibility defects that plague the Hybrid Alignment.

Alternative 1 is economically feasible because, under the Franchise Agreement between Jurupa Valley and SCE, SCE would pay nothing for rights-of-way acquisition costs to underground the RTRP in Jurupa Valley.¹⁴⁹ Section 1(d) of the Franchise Agreement defines all of the equipment and components that

¹⁴⁸ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (whether mitigation measures or project alternatives are infeasible) because it demonstrates the feasibility of undergrounding according to Alternative 1; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Project merits approval notwithstanding the feasibility of undergrounding the RTRP according to Alternative 1 and the infeasibility of the Hybrid Alignment; and issue 7 (whether the Project serves a present or future public convenience and necessity) because the feasibility of undergrounding the Project according to Alternative 1 has a bearing on whether the Project and more specifically, its Hybrid Alignment, serves a present or future public convenience; and issue 8 (the maximum prudent and reasonable cost of the project) because the zero-cost for acquiring rights-of-way in the City heavily reduces the undergrounding costs associated with Alternative 1.

¹⁴⁹ JUR-3 (Direct Testimony of Gary Thompson) p.3:24-26 and Exhibit A.

would be required for undergrounding the Project.¹⁵⁰ Section 2 specifically states that SCE has full rights to underground transmission lines in Jurupa Valley.¹⁵¹ Section 4 also states that the franchise fee collected under the Franchise Agreement is in lieu of any other fees or costs associated with access to City property for conducting SCE's operations.¹⁵² In sum, these sections unequivocally allow SCE to underground the RTRP's transmission lines and facilities through and under City streets at no additional cost to SCE.¹⁵³ Thus, under its Franchise Agreement with Jurupa Valley, SCE will not need to pay for the right to underground the RTRP in Jurupa Valley, which significantly reduces SCE's claimed costs and "known risks" for undergrounding the RTRP.¹⁵⁴

To the extent SCE relies upon the rebuttal testimony of Kathy Hidalgo to interpret the Franchise Agreement as requiring otherwise, such reliance is entirely misplaced and meritless. As Ms. Hidalgo admitted during the evidentiary hearings, she is not an attorney and cannot offer any legal interpretation of a contract like the Franchise Agreement.¹⁵⁵ This admission undermines all of the contrary conclusions Ms. Hidalgo attempts to draw from the Franchise Agreement's legal obligations in her rebuttal testimony. Moreover, Ms. Hidalgo's

¹⁵⁰ JUR-3 (Direct Testimony of Gary Thompson) p.3:27-4:1 and Exhibit A.

¹⁵¹ JUR-3 (Direct Testimony of Gary Thompson) p.4:1-2 and Exhibit A.

¹⁵² JUR-3 (Direct Testimony of Gary Thompson) p.4:2-4 and Exhibit A.

¹⁵³ JUR-3 (Direct Testimony of Gary Thompson) p.4:4-6 and Exhibit A.

¹⁵⁴ JUR-3 (Direct Testimony of Gary Thompson) p.4:6-9 and Exhibit A.

¹⁵⁵ Reporter's Transcript Volume 2 p.338:28-339:4.

rebuttal testimony fails to establish that SCE will have to pay for rights-of-way acquisition costs for undergrounding in Jurupa Valley because Ms. Hidalgo admitted that she had no facts to refute the zero-cost statement that “SCE would pay nothing for such right-of-ways [for undergrounding the RTRP] under Jurupa Valley streets because of a franchise agreement between SCE and the City.”¹⁵⁶ Ms. Hidalgo also admits that Jurupa Valley has never demanded that SCE pay anything for undergrounding the RTRP in the City.¹⁵⁷ Likewise, Ms. Hidalgo could not refute the tremendous cost-savings undergrounding in Jurupa Valley would provide because SCE would not have to pay significant eminent domain costs and damages for underground facilities that it otherwise would have to pay for the Hybrid Alignment’s overhead transmission facilities.¹⁵⁸

To the extent SCE argues that it needs to obtain a superior easement to prevent Jurupa Valley from requiring the relocation of any underground transmission lines at SCE’s expense, such a position completely ignores the facts and creates obstacles to undergrounding in the City where none exist for the sake of artificially and disingenuously increasing the cost of undergrounding the RTRP.

First a superior easement is unnecessary because there is no conflict between undergrounding the RTRP and any other utility that would require

¹⁵⁶ Reporter’s Transcript Volume 2 p.340:14-341:2.

¹⁵⁷ Reporter’s Transcript Volume 2 p.340:1-6.

¹⁵⁸ Reporter’s Transcript Volume 2 p.341:10-22.

relocation of the RTRP.¹⁵⁹ In fact, Jurupa Valley's Engineer already analyzed the existing and proposed facilities in Jurupa Valley's streets and determined that there is no conflict between undergrounding the RTRP and any existing or proposed underground facilities, precluding the condition precedent for relocation in the first instance. Likewise, a superior easement is completely unnecessary because, as Ms. Hidalgo admitted, there has been no instance in California where a similarly sized underground transmission line (230kv and above) was required to be relocated because of some conflict with another utility or municipality.¹⁶⁰ Thus, it is entirely unreasonable for SCE to stubbornly presume astronomical relocation costs for undergrounding when, as Ms. Hidalgo admits, Jurupa Valley has never stated or implied that after undergrounding, it would require SCE to pay for relocation¹⁶¹ or when the extraordinary circumstance of relocating similarly sized underground transmission lines has never even occurred in California.

Tellingly, a superior easement is unnecessary because if SCE truly needed one for undergrounding the RTRP, it surely would have sought one from the City. Ms. Hidalgo, however, admits that SCE has never asked Jurupa Valley for any such superior easement and further admits that Jurupa Valley has not taken the position that it would not grant such an easement if the RTRP were completely

¹⁵⁹ Reporter's Transcript Volume 2 p.342:2-7.

¹⁶⁰ Reporter's Transcript Volume 2 p.342:8-15.

¹⁶¹ Reporter's Transcript Volume 2 p.341:23-342:1.

undergrounded.¹⁶² It is astounding that SCE is now trying to undermine the viability of undergrounding and fault Jurupa Valley for not giving or offering something that SCE has never asked for or sought from the City in the first place.

G. SCE and Riverside Do Not Dispute and In Fact, Concede the Technical Feasibility of Undergrounding the RTRP According to Alternative 1.¹⁶³

The Commission should adopt Alternative 1 because, in addition to its economic feasibility, Alternative is also technically feasible. First, the unrefuted evidence and testimony from Jurupa Valley's City Engineer establishes that the RTRP's components can feasibly and safely be put underground throughout the City according to Alternative 1.¹⁶⁴ Significantly, the Jurupa Valley's streets and rights-of-way can accommodate the safe placement, operation, and maintenance of

¹⁶² Reporter's Transcript Volume 3 p.359:26-360:9; and p.360:11-15.

¹⁶³ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (whether mitigation measures or project alternatives are infeasible) because it demonstrates the feasibility of undergrounding according to Alternative 1; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether the Project merits approval notwithstanding the feasibility of undergrounding the Project north of Limonite Avenue according to the Environmentally Superior Alternative; and issue 7 (whether the Project serves a present or future public convenience and necessity) because the feasibility of undergrounding the Project according to Alternative 1 has a bearing on whether the Project and more specifically, its Hybrid Alignment, serves a present or future public convenience.

¹⁶⁴ JUR-1 (Direct Testimony of Steve Loriso) p.3:14-18.

the RTRP's lines and facilities underground according to Alternative 1.¹⁶⁵

Furthermore, SCE admits that undergrounding the RTRP is not technically infeasible.¹⁶⁶ In light of the foregoing admission and Jurupa Valley's significant and comprehensive analysis demonstrating the technical feasibility of undergrounding the RTRP according to Alternative 1, the Court should adopt Alternative 1 because it is technically feasible.

H. Because Alternative 1 Is Feasible and Avoids the Negative Impacts That Render the Hybrid Alignment Infeasible, There Are No Overriding Considerations in Support of the Hybrid Alignment.¹⁶⁷

As demonstrated above, Alternative 1 is technically and economically feasible. In addition, Alternative 1 entirely avoids the defects of the Hybrid Alignment, which make the Hybrid Alignment infeasible. By undergrounding the RTRP according to Alternative 1, the RTRP will not result in the permanent and

¹⁶⁵ *Id.*

¹⁶⁶ Reporter's Transcript Volume 2 p.247:10-25.

¹⁶⁷ This section is relevant to the following issues in the CPUC's scoping memo: issue 5 (whether mitigation measures or project alternatives are infeasible) because it demonstrates the feasibility of undergrounding according to Alternative 1; issue 6 (whether the Project merits Commission approval notwithstanding the Project's significant and unavoidable impacts) because the Commission should consider whether there are overriding considerations in support of the Hybrid Alignment notwithstanding the feasibility of Alternative 1 and the infeasibility of the Hybrid Alignment; and issue 7 (whether the Project serves a present or future public convenience and necessity) because the feasibility of undergrounding the Project according to Alternative 1 has a bearing on whether the Project and more specifically, its Hybrid Alignment, serves a present or future public convenience.

intensely negative financial, social justice, safety, visual and aesthetic, community values, and environmental justice impacts that the Hybrid Alignment would force upon Jurupa Valley and its residents. Significantly, the Environmentally Superior Alternative of undergrounding through the City according to Alternative 1 also would meet the energy demands required of the RTRP.

The California Environmental Quality Act (“CEQA”) requires that the Commission adopt Alternative 1 because it is feasible and substantially reduces the significant impacts of the RTRP. CEQA mandates that “public agencies should not approve projects as proposed if there are feasible alternatives...available which would substantially lessen the significant environmental effects of such projects...”¹⁶⁸ As demonstrated above and in the FSEIR, Alternative 1 has been designated the Environmentally Superior Alternative, and as such, substantially reduces or eliminates altogether the RTRP’s significant environmental impacts that otherwise would still exist under the Hybrid Alignment.¹⁶⁹ Thus, pursuant to CEQA, there are no overriding considerations to approve the Hybrid Alignment; instead, the Commission must reject the Hybrid

¹⁶⁸ Pub. Res. Code § 21081 (a)(3); see also *City of Marina v. Board of Trustees of California State University* (2006) 39 Cal. 4th 341, 350.

¹⁶⁹ FSEIR, p. ES-20 (Alternative 1 “is the environmentally superior alternative among the four alternatives analyzed in this Subsequent EIR. Alternative 1 is preferred because it substantially reduces the long-term aesthetics impact of the riser poles and overhead transmission lines and agricultural impact from the loss of Prime Farmland of the [Hybrid] Project.”).

Alignment as infeasible for the many reasons stated above and consequently, adopt Alternative 1 because it is both feasible and the Environmentally Superior Alternative.

III. CONCLUSION

The Hybrid Alignment imposes severe and irreparable environmental and social justice impacts on Jurupa Valley and its residents. SCE and Riverside do not dispute that the Hybrid Alignment is completely contradictory to Jurupa Valley's Community Values and the CPUC's Environmental and Social Justice Action Plan. The Hybrid Alignment also creates significant fire hazard risks and negative financial impacts on Jurupa Valley and its residents. In light of the foregoing, the Commission should reject the Hybrid Alignment as infeasible.

In contrast, substantial evidence in the record confirms that the Environmentally Superior Alternative --Alternative 1-- is both technically and economically feasible, while meeting the energy demands sought by the RTRP. Alternative 1 is also feasible under the CPUC's environmental and social justice standards and Jurupa Valley's Community Values. This is because Alternative 1 does not impose the foregoing, significant, and permanent negative impacts that the Hybrid Alignment's overhead transmission lines would impose. Because the Environmentally Superior Alternative is feasible and meets the needs of the RTRP without the permanent and intensely negative impacts of the Hybrid Alignment that disqualify the Hybrid Alignment as infeasible, the Commission should

determine that there are no overriding considerations in favor of the Hybrid Alignment and approve the RTRP according to the Environmentally Superior Alternative -- Alternative 1.

DATED: September 27, 2019

PETER M. THORSON
CITY ATTORNEY
CITY OF JURUPA VALLEY

RICHARDS, WATSON & GERSHON
A Professional Corporation
B. TILDEN KIM
STEPHEN D. LEE
355 South Grand Avenue, 40th Floor
Los Angeles, California 90071
(213) 626-8484 (telephone)
(213) 626-0078 (fax)

By: /s/ B. Tilden Kim
B. Tilden Kim
Attorneys for CITY OF JURUPA
VALLEY