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BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of San Diego Gas & Electric Company (U 902-E) for a Permit to Construct Electrical Facilities With Voltages Between 50 kV and 200 kV and New Substations With High Side Voltages Exceeding 50 kV: The East County Substation Project.

Application 09-08-003
(Filed August 10, 2009)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PUBLIC PARTICIPATION HEARING**

This ruling sets a public participation hearing in the above-entitled matter for Tuesday, January 24, 2012, at 6:00 p.m., at the Jacumba Highlands Center, 44681 Old Hwy 80, Jacumba, California. This proceeding will be submitted at the conclusion of the public participation hearing.

Background

By this application, San Diego Gas & Electric Company (SDG&E) seeks a permit to construct the East County Substation (ECO Substation) project, which includes a new 500/230/138 kilovolt (kV) electric substation, a new 500 kV transmission line of approximately 3,065 feet to loop the substation into the existing 500 kV Southwest Powerlink transmission line, rebuild of the Boulevard Substation to operate at 138/69/12 kV on a new parcel adjacent to the existing substation, a new 138 kV transmission line of approximately 13.3 miles from the

ECO substation to the rebuilt Boulevard Substation, and a microwave communication relay system.

In order to issue a permit to construct pursuant to General Order 131-D, the Commission must find that the project complies with the California Environmental Quality Act (CEQA).¹ CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project, and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project alternative. CEQA precludes the lead agency from approving a proposed project or a project alternative unless it requires the project proponent to eliminate or substantially lessen all significant effects on the environment where feasible, and determines that any unavoidable remaining significant effects are acceptable due to overriding considerations. (CEQA Guidelines §§15090, 15091, 15093, 15126.2, 15126.4 and 15126.6.)

Because the project also requires approval from the federal Bureau of Land Management (BLM), it is also subject to environmental review pursuant to the National Environmental Protection Act (NEPA), which requires the preparation of an environmental impact statement (EIS). Under these circumstances, CEQA encourages the state agency to conduct its environmental review jointly with the federal agency. (CEQA Guidelines §15222.)

In addition, pursuant to General Order 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with

¹ Public Resources Code Section 21000, *et seq.*

the Commission's policies governing the mitigation of electromagnetic field (EMF) effects using low-cost and no-cost measures.

The Commission's Energy Division and the BLM completed the environmental review of the project and issued the final EIR/EIS on October 14, 2010, identifying the project's environmental impacts, mitigation and alternatives to reduce or avoid those impacts, and the environmentally superior alternative. Specifically, the final EIR/EIS identifies the environmentally superior alternative, other than the "no project" alternative, as the ECO Substation Alternative combined with the ECO Partial Underground 138 kV Transmission Route Alternative, Tule Wind Alternative 5 (reduction in turbines) combined with Tule Wind Alternative 2 (underground the 138 kV transmission line from the operations and maintenance and collector substation facilities co-located on Rough Acres Ranch), and the ESJ Gen-Tie Overhead Alternative Alignment. The environmentally superior alternative would nevertheless have significant and unmitigable adverse impacts on biological resources, visual resources, cultural resources, noise, air quality, and fire and fuels management.

Evidentiary hearing was held on May 2, 2010, to take evidence on the infeasibility of the environmentally superior alternative(s) to the proposed project, overriding considerations that might merit project approval, and project compliance with the Commission's EMF effects policies. Parties filed closing briefs on all issues on November 7 and November 17, 2011.

Public Participation Hearing

A public participation hearing will be held on Tuesday, January 24, 2012, at 6:00 p.m., at the Jacumba Highlands Center, 44681 Old Hwy 80, Jacumba, San Diego, California. The purpose of the public participation hearing is to

provide an opportunity for interested members of the public to make their views on this matter known to the Commission. The procedure will be as follows:

1. The public participation hearing will be transcribed by a court reporter, and the transcript will be kept with the formal record of the proceeding.
2. Speakers will not be under oath or affirmation, or subject to cross-examination. However, they are subject to Rule 1.1 of the Commission's Rules of Practice and Procedure, which provides:

Any person who signs a pleading or brief, enters an appearance, offers testimony at a hearing, or transacts business with the Commission, by such act represents that he or she is authorized to do so and agrees to comply with the laws of this State; to maintain the respect due to the Commission, members of the Commission and its Administrative Law Judges; and never to mislead the Commission or its staff by an artifice or false statement of fact or law.

3. The Commission's Public Advisor's Office will facilitate the public participation hearing. The Office will sign up persons who wish to speak, take written comments, advise on how to receive information related to the proceeding and/or participate in the formal proceeding, and answer other related questions.
4. Persons who wish to speak should sign up with the Public Advisor's Office by 6:00 p.m. Persons who sign up by the deadline will have a maximum of three minutes to speak. Persons who do not sign up by the deadline will have a maximum of one minute to speak. The Administrative Law Judge may change these time limits depending on the number of speakers.
5. A speaker may not cede time to another speaker.
6. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order.
7. Persons with a shared position are encouraged to select a spokesperson for their group.
8. Persons who wish to provide written comments in lieu of speaking should give them to the Public Advisor, who will ensure the

appropriate distribution of the comments to the Commissioners and the Administrative Law Judge.

9. With the exception of representatives of public officials, written comments of persons who cannot be physically present will not be read aloud at the meeting. Copies of written comments of individuals who cannot be physically present should be given to the Public Advisor for distribution as described above.
10. Only persons who are not parties to the proceeding may speak, unless the Administrative Law Judge directs otherwise. **San Diego Gas & Electric Company is directed to attend the public participation hearing in case of that contingency.**
11. Persons in need of interpreters or other special accommodations must contact the [Public Advisor's Office](#) at least three business days in advance of the meeting. Reasonable accommodations will be provided free of charge.
12. Signs larger than 8 1/2 by 11 inches in size, or in any size with supports or handles (wood, metal, etc.), are strictly prohibited.
13. The Administrative Law Judge may remove disruptive attendees from the hearing, or cancel the hearing in case of undue disruption from attendees.
14. The public participation hearing will conclude promptly by no later than 8:00 p.m. The Administrative Law Judge may extend the hearing at her discretion.

Submission of Proceeding

This proceeding will be submitted at the conclusion of the public participation hearing.

IT IS SO RULED.

Dated December 8, 2011, at San Francisco, California.

/s/ HALLIE YACKNIN

Hallie Yacknin
Administrative Law Judge