

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHERN CALIFORNIA EDISON) Application 07-06-031
COMPANY (U 338-E) for a Certificate of)
Public Convenience and Necessity) (Filed June 29, 2007)
Concerning the Tehachapi Renewable)
Transmission Project (Segments 4 through)
11))

**SOUTHERN CALIFORNIA EDISON COMPANY'S (U 338-E) RESPONSE TO THE
CITY OF ONTARIO'S AMENDED PETITION FOR MODIFICATION TO ORDER THE
UNDERGROUNDING OF SEGMENT 8**

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Dated: December 5, 2014

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I. INTRODUCTION

Pursuant to Rule 16.4 of the California Public Utilities Commission (Commission) Rules of Practice and Procedure (Rule 16.4), Southern California Edison (SCE) submits this response to the City of Ontario’s (Ontario) Amended Petition for Modification to Order Undergrounding of Segment 8 (Amended Undergrounding Petition), filed November 21, 2014. Ontario’s late-filed Amended Undergrounding Petition is procedurally defective and based on facts already considered and dismissed by the Commission in its extensive review of the route of the Tehachapi Renewable Transmission Project (TRTP or Project). Accordingly, the Commission should summarily deny Ontario’s Amended Undergrounding Petition.

II. BACKGROUND

A. A.07-06-031’s Procedural History

SCE filed the Certificate of Public Convenience and Necessity (CPCN) application to construct TRTP in June 2007.¹ Once completed, TRTP will provide the transmission capability

¹ See A.07-06-031.

needed to deliver up to 4,500 megawatts (MW) of new, primarily renewable, generation to load centers in the Los Angeles basin, providing critical transmission upgrades needed for California to meet its renewable energy goals.²

The Commission published a Draft Environmental Impact Report/Environmental Impact Statement (Draft EIR/EIS) evaluating the environmental impacts of TRTP on February 13, 2009, with a public comment period ending on April 6, 2009. Notice of the Draft EIR/EIS was also provided to Ontario residents living within 300 feet of the Project's right-of-way. A copy of the Project's environmental review documents, including the Draft EIR/EIS and Final Environmental Impact Report (Final EIR), were publicly available online, and hard copies of these documents were available at the Ontario Public Library and SCE's Ontario Service Center.³ Ontario submitted three pages of comments to the Commission on the TRTP Draft EIR/EIS.⁴

In July 2009, the Commission held ten days of evidentiary hearings with over 25 witnesses, which involved numerous parties, extensive witness testimony, hundreds of pages of briefing, and oral argument. Ontario did not participate in these proceedings.

The Commission issued the approximately 1,500-page, seven-volume Final EIR on October 30, 2009. On December 24, 2009, the Commission issued Decision (D.) 09-12-044, approving SCE's proposed overhead design for TRTP, including the portion of Segment 8 that crosses the City of Ontario.

² *Id.* at 1.

³ *Id.* at 7-13 to 7-14. *See also* Tehachapi Renewable Transmission Project, Public Repository Sites, available at ftp://ftp.cpuc.ca.gov/gopher-data/enviro/tehachapi_renewables/Document%20Repositories-rev1.pdf.

⁴ TRTP Final Environmental Impact Report (Final EIR), Appendix H.A, A.26.

In January 2010, the City of Chino Hills (Chino Hills) filed an Application for Rehearing of D.09-12-044 and a Motion for Partial Stay of D.09-12-044. Several other parties, including the Acton Town Council, CALifornians for Renewable Energy (CARE), and the Antelope Valley-East Kern Water Agency, also filed Applications for Rehearing of D.09-12-044. Ontario did not file an Application for Rehearing of this decision.

On October 28, 2011, Chino Hills filed a Petition to Modify D.09-12-044, seeking to reopen the record with regard to Segment 8A of TRTP. Chino Hills concurrently filed a second Petition to Modify D.09-12-044 requesting a stay of construction on Segment 8A pending the Commission's evaluation of its request for undergrounding. In its Petitions, Chino Hills alleged that the actual construction of TRTP in the Chino Hills right-of-way constituted new facts supporting a reexamination of the route in Chino Hills.⁵

On November 10, 2011, the Commission issued an order granting Chino Hills' Motion for Partial Stay, initially filed in January 2010.⁶ Assigned Commissioner Peevey concurrently issued a ruling requiring SCE to prepare alternatives for the portion of TRTP that crossed Chino Hills.⁷

Between January 2012 and July 2013, the Commission conducted a second round of extensive proceedings to evaluate Chino Hills' request for underground construction. These proceedings included multiple rounds of testimony, four additional days of evidentiary hearings,

⁵ See D.13-07-018 at 11.

⁶ See D.11-11-020.

⁷ Assigned Commissioner's Ruling Directing Southern California Edison Company to Prepare Alternatives for Routing the Portion of Segment 8 that Traverses Chino Hills (November 2011 ACR) at 1.

hundreds of pages of briefing, and oral argument. Ontario did not participate in these proceedings.

During the Chino Hills undergrounding proceedings, parties alerted the Commission that there were many other communities impacted by TRTP's construction, and the rights-of-way in these communities arguably were similar to the right-of-way in Chino Hills, *including* the right-of-way in Ontario.⁸

On June 11, 2013, Administrative Law Judge (ALJ) Vieth issued a Proposed Decision, which recommended denying Chino Hills' request for underground construction.⁹

Simultaneously, the Commission also released Commissioner Peevey's Alternate Proposed Decision, which proposed to grant Chino Hills' request for underground construction.¹⁰ The Alternate Proposed Decision closely examined the similarities and differences between the Chino Hills right-of-way and the Ontario right-of-way.¹¹ Based on this analysis, it concluded

⁸ See TURN's Opening Brief at 6-7; CEERT Reply Brief at 8.

⁹ Proposed Decision Denying the City of Chino Hills' Petition for Modification of Decision 09-12-044 Regarding Segment 8A of the TRTP and Releasing Stay (dated June 11, 2013) (Proposed Decision).

¹⁰ Alternate Proposed Decision Granting the City of Chino Hills' Petition for Modification of Decision 09-12-044 and Requiring Undergrounding of Segment 8A of the TRTP (dated June 11, 2013) (Alternate Proposed Decision).

¹¹ See *id.* at 58, Conclusion of Law No. 4 ("D.09-12-044 effectively ignores community values and places an unfair and unreasonable burden on the residents of Chino Hills by requiring construction of an aboveground double circuit 500 kV transmission line through Segment 8A; that disproportionate burden should be rectified to require the underground construction of UG5."); *id.* at 19-21 ("The ROW in Chino Hills is the narrowest anywhere along the entire Project route. Because it is so narrow, the transmission lines and the ends of their cross arms come very close to the residential structures along the ROW, which intensifies the visual impact of the transmission lines. Moreover, the affected section in Chino Hills is longer than elsewhere at 3.5 miles and a large number of residences border the ROW (220 houses). [¶] TURN, raising social policy and environmental justice concerns, cautions us to be cognizant of the impact of our review on other communities besides Chino Hill [*sic*]. TURN underscores that the Chino Hills city council has appropriated significant sums to file and litigate the petition: As of April 2013, the City of Chino Hills has spent \$3.8

that: (1) the right-of-way in Chino Hills is the narrowest and longest along the Project route,¹² (2) the right-of way in Chino Hills affects the most residential structures as compared to other communities along the right-of-way,¹³ and (3) Chino Hills' willingness to spend millions in opposing TRTP and then again later in seeking undergrounding demonstrated that Chino Hills was defending its community values.¹⁴ Based on this analysis, the Alternative Proposed Decision found that Chino Hills was disproportionately impacted with the burdens of TRTP compared to other affected communities. The Alternate Proposed Decision also cited to the fact that Chino Hills was willing to donate some city-controlled real estate towards the project.¹⁵

On July 11, 2013, the Commission voted 3-2 to adopt the Alternate Proposed Decision and ordered underground construction in Chino Hills.¹⁶ In adopting the Alternate Proposed Decision as the final decision, the Commission clearly considered the fact that other communities, such as Ontario, would be impacted by TRTP's construction. The majority of the Commission found, however, that Chino Hills was uniquely impacted as compared to other communities. The majority also found that Chino Hills' ability and willingness to oppose overhead construction did not raise social justice issues, but rather "the action taken by the City

million on this proceeding, with approximately \$2 million on this undergrounding phase. (TURN opening brief at 8 (unnumbered).) While we take TURN's caution seriously, we conclude it is misplaced here. Rather, the action taken by the City on behalf of its residents registers just how intensely Chino Hills opposes the aboveground Project in Segment 8A. It seems to us that this action represents the community defending its values from what it perceives to be an intolerable threat.").

¹² *Id.* at 53, Finding of Fact No. 3.

¹³ *Id.*

¹⁴ *Id.*, Finding of Fact No. 4.

¹⁵ *Id.* at 45-48.

¹⁶ *See* Decision Granting the City of Chino Hills' Petition for Modification of Decision 09-12-044 and Requiring Undergrounding of Segment 8A of the Tehachapi Renewable Transmission Project, D.13-07-018 (Undergrounding Decision).

on behalf of its residents registers just how intensely Chino Hills opposes the aboveground Project in Segment 8A¹⁷ and found that overhead construction was inconsistent with Chino Hills' community values.

On August 15, 2013, CEERT filed an Application for Rehearing of D.13-07-018. In its Application for Rehearing, CEERT raised the socioeconomic ramifications of granting underground construction to Chino Hills because of its ability to spend millions on legal fees in opposing the project and contributions towards the cost of underground construction.¹⁸ The Commission denied CEERT's Application for Rehearing on November 4, 2013.¹⁹

After several additional decisions regarding D.09-12-044,²⁰ on July 11, 2014, the Commission denied the pending Applications for Rehearing that had been filed on January 25, 2010.²¹ The Commission closed the TRTP proceeding on August 19, 2014.²²

Ontario initially filed a Petition for Modification on October 31, 2014 requesting underground construction on Segment 8B,²³ nearly five years after the Commission approved the overhead design in Ontario in D.09-12-044, as described in the Final EIR. This 2009 decision determined the route in Ontario that Ontario now seeks to modify with its undergrounding request. Ontario filed its request well over a year after the Commission ordered undergrounding

¹⁷ D.13-07-018 at 20.

¹⁸ See CEERT's Application for Rehearing at 16-17 (quoting the Joint Dissent at 4-5).

¹⁹ See D.13-10-076.

²⁰ See D.13-10-062 (granting SCE's Petition for Modification); D.13-10-076 (modifies and denies rehearing of D.13-07-018; D.14-01-005 (granting SCE's Petition for Modification on Basic Insulation Level issue); D.14-07-029 (denies applications for rehearing on 09-12-044).

²¹ D.14-07-029 (dated July 11, 2014).

²² D.14-08-018 (dated August 19, 2014).

²³ City of Ontario's Petition for Modification to Order the Undergrounding of Segment 8B, dated October 31, 2014 (Initial Undergrounding Petition) at 1.

in Chino Hills in D.13-10-76, in which the Commission specifically considered and rejected the same purported “new facts” upon which Ontario relies.

Ontario also filed a Petition for Modification to Stay Construction of Segment 8B pending the outcome of its request for underground construction.²⁴ Despite the Commission’s consideration of TRTP’s impacts on Ontario during the undergrounding proceeding, Ontario claims it only learned of the impacts to its community in April 2014 when construction of the structures began in Ontario.²⁵

Ontario expanded the scope of its undergrounding request to *all* portions of Segment 8 within the City of Ontario in an Amended Undergrounding Petition and an Amended Stay Petition seeking a stay of construction of Segment 8 in Ontario, both filed on November 21, 2014.²⁶

B. Overview Of TRTP Transmission Facilities in Ontario

Segment 8 is divided into three sub-segments 8A, 8B and 8C. Segment 8A, a 500 kV transmission line, begins near the San Gabriel Junction (located approximately two miles east of the existing Mesa substation) and ending at the Mira Loma Substation in Ontario.²⁷ A large portion of Segment 8A is to the west of Ontario, crossing other communities including Chino

²⁴ City of Ontario’s Petition for Modification to Stay Construction of Segment 8B, dated October 31, 2014 (Initial Stay Petition) at 1.

²⁵ See Initial Undergrounding Petition at 3.

²⁶ Ontario’s Amended Petition for Modification to Order Undergrounding of Segment 8, dated November 22, 2014 (Amended Undergrounding Petition) at 1, fn 2; Ontario’s Amended Petition for Modification to Stay Construction of Segment 8, dated November 22, 2014 (Amended Stay Petition) at 1.

²⁷ See Final EIR, Figures 2.2-1v through 2.2-1y; Final EIR at 2-24 to 2-30.

Hills and Chino. Segments 8B and 8C begin at the Chino Substation in the City of Chino and run east to the Mira Loma Substation in Ontario.²⁸

The Ontario portion of Segment 8A consists of 500 kV double-circuit structures that replaced existing 220 kV structures from the Chino Substation to just west of the Mira Loma Substation. At this point, Segment 8A turns north and then east on single-circuit 500 kV structures into the Mira Loma Substation paralleling existing 220 kV structures.²⁹ Segment 8A's structures in Ontario range from 125 feet to 198 feet, replacing structures that ranged from 70 feet to 156 feet.³⁰

Segment 8B replaced two existing 220 kV single-circuit structures with 220 kV double-circuit structures, on which two 220 kV circuits were strung, to make room for the new 500 kV transmission line.³¹ These two 220 kV transmission lines are electrically independent from Segment 8A's 500 kV transmission line. Segment 8B runs between the Chino Substation and the Mira Loma Substation.³² Segment 8B was completed and energized in June 2011. The 220 kV structures along Section 8B range from 100 feet to 155 feet (with one 180-foot structure), replacing structures that were 70 feet to 130 feet (with one 187-foot structure).³³

²⁸ Attachment C, Final EIR, Figure 2.2-1y.

²⁹ See Attachment A, Declaration of Donald E. Wright (Wright Decl.) ¶ 4.

³⁰ Attachment A, D. Wright Decl. ¶ 4.

³¹ *Id.* ¶ 5. These two circuits are referred to as the Chino-Mira Loma 220 kV No. 1 transmission line and the Chino-Mira Loma 220 kV No. 2 transmission line. Attachment B, Declaration of Jorge Chacon (J. Chacon Decl.) ¶ 3.

³² See Attachment A, D. Wright Decl. ¶ 5.

³³ *Id.*

Segment 8C is a 220 kV line that primarily occupies a position on Segment 8A's 500 kV double-circuit structures.³⁴ This 220 kV transmission line is electrically independent of Segment 8A's 500 kV transmission line and replaces an existing 220 kV transmission line. When Segment 8A's 500 kV line turns to the north near the Mira Loma Substation, Segment 8C continues to the east on existing 220 kV structures into the Mira Loma Substation.³⁵ Construction on 8C was substantially completed on November 21, 2014, and SCE expects to complete testing and energize the line in late December 2014/early January 2015.³⁶

III. LEGAL STANDARD

The Commission's ability to modify an issued decision at the request of a party is rooted in Public Utilities Code Section 1708. The Commission's authority to reopen proceedings under Section 1708 "must be exercised with great care and justified by extraordinary circumstances."³⁷ The failure to demonstrate any changed facts or circumstances warranting modification and the attempt to relitigate issues that have already been considered and rejected are grounds to reject a petition for modification.³⁸

Rule 16.4 sets forth the requirements for a procedurally proper Petition for Modification. The Petition for Modification must concisely state the justification for the requested relief and must propose specific wording to carry out all modifications to the decision.³⁹ Any factual

³⁴ *Id.* ¶ 6. This line is referred to as the Chino Mira-Loma 220 kV No. 3 transmission line. Attachment B, J. Chacon Decl. ¶ 4.

³⁵ Attachment A, D. Wright Decl. ¶ 6.

³⁶ *Id.*

³⁷ D.09-02-032.

³⁸ *Id.* at 8 ("[Section 1708] gives [the Commission] the discretion to reject any attempts to relitigate issues that have already been considered and rejected.").

³⁹ Rule 16.4 (b).

allegations must be supported with specific citations to the record in the proceeding or to matters that may be officially noticed.⁴⁰ Allegations of new or changed facts must be supported by an appropriate declaration or affidavit.⁴¹ The petitioning party bears the burden of justifying its requested modification.⁴²

A Petition for Modification must be filed within one year of the effective date of the decision proposed to be modified.⁴³ If more than a year has elapsed, the party must explain why it could not have been filed within one year of the effective date of the decision.⁴⁴

If the petitioner was not a party to the proceeding in which the decision proposed to be modified was issued, the petition must state specifically how the petitioner is affected by the decision and why the petitioner did not participate in the proceeding earlier.⁴⁵

IV. ONTARIO'S PETITION FOR MODIFICATION IS PROCEDURALLY DEFECTIVE AND ATTEMPTS TO RELITIGATE ISSUES ALREADY DECIDED BY THE COMMISSION

Ontario's Amended Undergrounding Petition is procedurally defective, as it seeks only to relitigate issues already evaluated by the Commission in this proceeding. There are no new facts or evidence warranting the extraordinary relief Ontario requests. Ontario's Amended Undergrounding Petition is therefore insufficient under Rule 16.4, and should be denied by the Commission.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *See* D.08-09-024 at 3.

⁴³ Rule 16.4(d).

⁴⁴ *Id.*

⁴⁵ Rule 16.4(e).

A. Ontario's Petition To Underground Was Not Filed And Served Within One Year Of The Commission's Decision

Rule 16.4(d) requires a petitioner to file a Petition for Modification within one year of the effective date of the decision it seeks to modify or explain why the petition could not have been presented in that time frame. The relevant Commission decision that Ontario seeks to change was issued in December 2009. In D.09-12-044, the Commission approved SCE's proposed overhead design for Segment 8, including the portion about which Ontario now complains.⁴⁶ Ontario filed this Petition almost *five years* after D.09-12-044 approved TRTP.

Ontario attempts to minimize the length of its delay by suggesting that it seeks to change D.13-07-018, the 2013 decision that amended D.09-12-044 ordering undergrounding in *Chino Hills* (Undergrounding Decision). Yet, the Undergrounding Decision was issued on July 16, 2013, nearly a *year-and-a-half* before Ontario filed its Petition for Modification.

To close the gap between the Undergrounding Decision and its Amended Undergrounding Petition, Ontario erroneously points to "the last of the decisions," D.14-07-029, issued on July 11, 2014, to justify its late-filed request for undergrounding. In doing so, Ontario suggests that there was still doubt about the finality of the Undergrounding Decision until D.14-07-029 resolved all requests for rehearing on the Undergrounding Decision.

As a threshold matter, the plain language of Rule 16.4 does not create an exception to the one-year period when an application for rehearing is filed. Rather, Rule 16.4(d) states that "a petition for modification must be filed and served within one year *of the effective date of the decision proposed to be modified*" unless a party can justify the late submission.⁴⁷

⁴⁶ See D.09-12-044 at 101-102; Final EIR at 2-25.

⁴⁷ Rule 16.4(d) (emphasis added).

Starting the one-year period from the issuance of D.14-07-029 is particularly inappropriate here, as D.14-07-029 had *nothing* to do with the Undergrounding Order or the Segment 8 route. Rather, D.14-07-029 disposed of the applications for rehearing challenging the Commission's initial approval of TRTP in D.09-12-044 filed by Acton Town Council and CARE on January 25, 2010 on issues completely unrelated to Segment 8. For these reasons, Ontario cannot use D.14-07-029 as an end-run around Rule 16.4's one-year requirement.

Moreover, Ontario does not provide a compelling reason for its failure to participate in the Commission's initial review of TRTP or the Commission's evaluation of Chino Hills' request for undergrounding. There were ample opportunities for the City to timely and economically participate in these extensive public proceedings to make its request for underground construction. Instead, Ontario's participation has been limited to three pages of comments to the Draft EIR/EIS in 2009 and letters to the Commission in 2007 and 2013, none of which oppose the overhead construction.⁴⁸ A party who has not engaged in the underlying proceeding should not be able to derail the timely completion of this critical project at such a late stage in the project's construction.

B. Ontario's Petition Attempts To Relitigate Issues Already Considered By The Commission

Regardless of whether Ontario's Petition could be considered "timely," which it is *not*, Ontario does not satisfy the burden of establishing that there are new facts warranting modification of the Commission's approval of the overhead design in Ontario. Ontario simply

⁴⁸ See Attachment D (Letters from the City of Ontario to the Commission dated August 2, 2007, October 4, 2007, April 9, 2013, and August 14, 2013).

points to Chino Hills' allegations in its 2011 Petition for Modification concerning the alleged effects of TRTP on Chino Hills and states "[t]his is true in [Ontario] as well."⁴⁹

What Ontario fails to disclose is that the Commission directly compared the impacts of the Project on Chino Hills and Ontario and concluded that the impacts in Chino Hills were *not* the same as those experienced in Ontario. This conclusion formed the basis of the Commission's decision to order undergrounding only in Chino Hills.⁵⁰ The Commission also considered the environmental justice arguments Ontario now raises in its Petition and specifically rejected those arguments. Ontario's Petition, therefore, seeks only to relitigate issues already decided by the Commission, which is contrary to Rule 16.4.

1. The Commission Examined The Similarities And Differences Between TRTP's Impacts In Chino Hills And Ontario, Concluding That The Impacts In Chino Hills Were Unique

During the Commission's evaluation of Chino Hills' request for underground construction, parties raised the potential similarities in TRTP's impacts to Chino Hills and Ontario. In fact, the Assigned ALJ highlighted this issue as a primary basis for her recommendation to deny Chino Hills' request in the Proposed Decision.⁵¹ However, the Commission did not adopt the ALJ's recommended findings. Instead, the Commission adopted Commissioner Peevey's Alternate Decision by a 3-2 vote.

In his Alternate Proposed Decision, Commissioner Peevey considered the same factors considered by the ALJ, including the rights-of-way width, the type of transmission structures, the distance from tower/pole to edge of right-of way, the height of structures, and the location and

⁴⁹ Ontario's Petition for Modification at 4-5.

⁵⁰ See D.13-07-018 at 18-21.

⁵¹ Proposed Decision at 20-21.

number of residential structures in Duarte, Chino and Ontario. Examining the same facts, which are the *same* facts on which Ontario bases its Amended Undergrounding Petition, Commissioner Peevey and a majority of the Commission ultimately concluded that the Project's impacts to Chino Hills were unique as compared to other communities, *including* Ontario.⁵²

In sum, the Commission has already specifically and directly considered the identical issues Ontario raises concerning the impacts of the Project to Ontario and concluded that Chino Hills was uniquely situated and bore a disproportionate burden of the Project as compared to Ontario and other communities.⁵³ Following the Commission's reasoning of D.13-07-017, undergrounding is not justified in other communities along TRTP's route, including Ontario. The Commission has already considered the facts upon which Ontario bases its request for undergrounding, and found them lacking. Importantly, there are no new facts about the impacts of the Project on Ontario that the Commission has not already considered and as such, the Commission should reject the Amended Undergrounding Petition.

2. The Commission Already Considered Potential Environmental Justice Concerns Associated With Undergrounding In Chino Hills, And Found Such Arguments Were Not Valid

Ontario's Amended Undergrounding Petition also raises the same environmental justice concerns voiced during the Commission's evaluation of Chino Hills' request for undergrounding. For instance, the Division of Ratepayer Advocates (DRA) voiced many of the same concerns at oral argument:

There is a very important environmental justice aspect to this as well. Undergrounding the line would be done solely to preserve the views of the community located along the existing utility right of way. It would be done at the expense of all Edison ratepayers.

⁵² D.13.-07-018 at 19-20.

⁵³ D.13.07-018 at 66, Conclusion of Law 4.

That would amount to inequitable treatment of customers [in the] siting for transmission facilities. . . .

There are many other communities along the Tehachapi corridor. As TURN rightly pointed out, the Commission must consider the economic and environmental justice implications of allowing a single city along the TRTP to underground the transmission line at a great cost to ratepayers while not ordering the same treatment for other communities impacted by the TRTP.⁵⁴

The ALJ also acknowledged the economic and environmental justice concerns that were raised by parties. The Proposed Decision states that “[t]he Commission must consider the economic and environmental justice implications of allowing a single city along the TRTP to underground the transmission line at great cost to ratepayers while not ordering the same treatment for other communities impacted by TRTP.”⁵⁵

Importantly, the majority of the Commission specifically considered the environmental justice arguments and explicitly found no environmental justice issues:

TURN, raising social policy and environmental justice concerns, cautions us to be cognizant of the impact of our review on other communities besides Chino Hill[sic]. TURN underscores that the Chino Hills city council has appropriated significant sums to file and litigate the petition . . . While we take TURN’s caution seriously, we conclude it is misplaced here⁵⁶

The Commission thus considered the ALJ’s Proposed Decision and Commissioner Peevey’s Alternate Proposed Decision, briefing by parties opposed to undergrounding, and oral argument that already addressed the same environmental justice issues Ontario now raises in its Petition for Modification. The Commission ultimately determined that the Project uniquely impacted Chino Hills, and thus no environmental justice issues resulted from its decision to

⁵⁴ Oral Argument Transcript, June 26, 2013, at 2806-2807(quoting Mr. Como for DRA).

⁵⁵ Proposed Decision at 18, quoting TURN Opening Brief at 8.

⁵⁶ Alternate Proposed Decision at 21. *See also* D.13-07-018 at 20.

underground in Chino Hills only.⁵⁷ Importantly, there are no new facts regarding environmental justice issues that the Commission has not already considered and as such, the Commission should reject the Amended Undergrounding Petition.

3. The Construction Of Structures In Ontario Does Not Create New Facts, Particularly Considering The Commission’s Focus On Ontario’s Right-of-Way In 2013

Despite the Commission’s examination of the impacts of TRTP in Ontario in both 2009 and 2013, Ontario suggests that it was unaware of the full scope of the potential impacts of the project until SCE began construction of certain structures in April 2014.⁵⁸ This assertion is problematic for several reasons.

Ontario submitted two letters in 2007, just a few months after SCE submitted its CPCN application for TRTP, requesting, among other things, a tubular steel design rather than a “skeletal” design for the 500 kV structures.⁵⁹ The City did not oppose construction of the 500 kV structures in these letters, but rather, requested a specific design to mitigate aesthetic impacts. As evidenced by its comment letter on the Draft EIR/EIS, Ontario reviewed and evaluated the Draft EIR/EIS, which included information about TRTP’s proposed route through Ontario.⁶⁰ The Draft EIR/EIS included visual simulations of TRTP in Ontario, and the approximate range of structure heights.⁶¹ Ontario’s comment letter did not oppose the overhead construction through the City.

⁵⁷ D.13-07-018 at 20, 66.

⁵⁸ Ontario Petition for Modification at 3.

⁵⁹ See Attachment D.

⁶⁰ See Ontario’s Comments on Draft EIR/EIS.

⁶¹ See, e.g., Final EIR, Figures 2.2-47 to 2.2-55; Final EIR at 3.14-118 to 3.14-119.

Further, the City Manager of Ontario submitted two letters to the Commission regarding the undergrounding of Segment 8A in 2013. Ontario's April 9, 2013, letter addresses the City's concerns with SCE's testimony that indicated the potential need to expand the Mira Loma Substation due to undergrounding in Chino Hills.⁶² Ontario's August 14, 2013, letter states that although Ontario "took no position on the issue of undergrounding per se" the City reiterates the its ongoing concerns about possible expansion of the Mira Loma Substation and indicates that in the event that Mira Loma would be expanded due to the undergrounding, "the City will have no choice but to move for a party status to ensure [its] concerns are allowed to be heard."⁶³ Ontario did not express opposition to overhead construction in either 2013 letter.

Also, the Ontario City Manager's Office is on the TRTP service list;⁶⁴ therefore, the City received all filed and served documents in this proceeding. In addition, the documents in the TRTP proceeding, such as testimony, briefs, transcripts, decisions, and rulings are publicly available and readily accessible at no cost. Thus, Ontario had access to the documents in the TRTP proceeding, including: (1) the Commission's 2009 decision approving the overhead design in Ontario; (2) the ALJ's Proposed Decision denying Chino Hills' request for undergrounding based, in part, on the similarity of impacts on Chino Hills and Ontario; (3) Commissioner Peevey's Alternate Proposed Decision approving undergrounding based on the uniqueness of Chino Hills; and (4) the Commission's final decision adopting undergrounding in Chino Hills and the following denial of CEERT's application for rehearing of that decision.

⁶² See Attachment D.

⁶³ See Attachment D.

⁶⁴ Although the City Manager has changed over the course of the past few years, presumably, the Office of the City Manager has not changed location and has continued to receive TRTP proceeding documents.

Yet, Ontario did not come forward with its request for underground construction until October 31, 2014.

Further, Ontario is located approximately four miles from Chino Hills. SCE completed construction of the approximately 200-foot tubular steel poles (TSPs) in Chino Hills in 2012. These TSPs were visible from the 71 freeway, which is located just a few miles from Ontario. The TSPs in Chino Hills were also visible from public streets adjacent to the ROW, one of which was located in a public park.⁶⁵ These structures, similar in size to those designed for 8A in Ontario, could be viewed until approximately November 2013 (when they were removed pursuant to the Undergrounding Decision). Based on the totality of the circumstances, Ontario's claim that it was unaware until April 2014 of TRTP's potential impacts within its community does not satisfy Rule 16.4.

C. Ontario's Petition for Modification Is Procedurally Improper

Ontario's Petition for Modification suffers from other procedural infirmities. Rule 16.4(b) requires a petitioner to justify the requested modification and provide specific wording to carry out the modifications, supporting any new facts with an appropriate declaration or affidavit. The burden is on the petitioner to justify its requested modification.

Ontario does not provide a complete description of TRTP's construction within the City nor adequate detail of the scope of its undergrounding request. Initially, Ontario sought undergrounding of only Segment 8B, which is a double-circuit 220 kV transmission line from the Chino Substation to Mira Loma Substation completed in 2011. Ontario's Amended

⁶⁵ See Final EIR, Map and Figure Series, Figure 3.14-49b, Visual Simulation at Coral Ridge Park, Chino Hills, available at ftp://ftp.cpuc.ca.gov/gopher-data/environ/tehachapi_renewables/TRTP_MapFiguresSeriesVolume/MapVolume/5VisSims/Fig3.14-49b.pdf.

Undergrounding Petition substantially increases the scope of its initial request from only Segment 8B to all of Segment 8 within Ontario. On its face, Ontario is asking the Commission to order underground construction for (1) Segment 8B, two 220 kV circuits completed in 2011 on structures that range mostly from 100 to 155 feet tall (with one 180-foot structure), (2) Segment 8A's 500 kV transmission line; and (3) Segment 8C's 220 kV transmission line.

Yet, Ontario's argument appears to focus on approximately 200-foot tall, new tubular steel pole structures and construction that began in April 2014. This description seems only to focus on the construction of the Segment 8A 500 kV structures and certain portions of Segment 8C, but *not* Segment B. Ontario's request is therefore contradictory and confusing. This lack of clarity and specificity renders the Amended Undergrounding Petition insufficient under Rule 16.4.

Ontario also does not submit sufficient evidence to support its Amended Undergrounding Petition. Ontario asserts that the facts regarding actual effects of the line were unknown until construction began. To support this claim, Ontario submits only (1) a conclusory declaration of its City Manager, attesting to the accuracy of the information in Ontario's Amended Undergrounding Petition;⁶⁶ and (2) unauthenticated photographs purportedly depicting TRTP's structures in Ontario.⁶⁷ This "evidence" is not sufficient to satisfy Rule 16.4's requirements. If the Commission were to make such changes based on such a minimal evidentiary record, particularly considering its prior findings, it would violate the Commission's Rules of Practice and Procedure and the parties' due process rights.

⁶⁶ See Amended Undergrounding Petition, Declaration of A. Boling, dated October 31, 2014.

⁶⁷ Amended Undergrounding Petition, Attachment A.

V. CONCLUSION

Ontario's Petition for Modification fails to meet the requirements of Rule 16.4. Ontario has not justified its request for modification, nor demonstrated justification for its late-filed Petition or lack of participation in the TRTP proceeding and seeks to relitigate issues the Commission has already specifically considered and decided. Therefore, SCE respectfully requests the Commission summarily deny the City of Ontario's Amended Undergrounding Petition.

Dated: December 5, 2014

Respectfully submitted,
ANGELA WHATLEY

/s/ Angela Whatley
By: Angela Whatley

Attorney for
SOUTHERN CALIFORNIA EDISON COMPANY

2244 Walnut Grove Avenue
Post Office Box 800
Rosemead, CA 91770
Telephone: (626) 302-3618
Facsimile: (626) 302-6736
E-mail: angela.whatley@sce.com

ATTACHMENT A

ATTACHMENT A
DECLARATION OF DONALD E. WRIGHT

I, Donald E. Wright, declare as follows:

1. My name is Donald E. Wright, and my business address is 6 Pointe Drive, Brea, California 92821. I am employed by the Southern California Edison Company (SCE) as Principal Project Manager. I am currently the Project Manager for the overhead portions of Segments 7 and 8 for the Tehachapi Renewable Transmission Project (TRTP).
2. Segment 8 is divided into three sub-segments 8A, 8B and 8C. Segment 8A begins near the San Gabriel Junction (located approximately two miles east of the existing Mesa substation in the City of Monterey Park) and ending at the Mira Loma Substation in Ontario.
3. A large portion of Segment 8A is to the west of Ontario, crossing other communities including Chino Hills and Chino. Segments 8B and 8C begin at the Chino Substation in the City of Chino and run east to the Mira Loma Substation in Ontario.
4. The Ontario portion of Segment 8A consists of 500 kV double-circuit structures that replaced existing 220 kV structures from the Chino Substation to just west of the Mira Loma Substation. At this point, Segment 8A turns north and then east on single-circuit 500 kV structures into the Mira Loma Substation paralleling existing 220 kV structures. Segment 8A's structures in Ontario range from 125 feet to 198 feet, replacing structures that ranged from 70 feet to 156 feet.
5. Segment 8B replaced existing two existing 220 kV single-circuit structures with 220 kV double-circuit structures, on which two 220 kV circuits were strung, to make room for the new 500 kV transmission line. These two 220 kV transmission lines are electrically independent from Segment 8A's 500 kV transmission line. Segment 8B runs between the Chino Substation and the Mira Loma Substation. Segment 8B was completed and energized in June 2011. The

220 kV structures along Section 8B range from 100 feet to 155 feet (with one 180-foot structure), replacing structures that were 70 feet to 130 feet (with one 187-foot structure).

6. Segment 8C is a 220 kV line that primarily occupies a position on Segment 8A's 500 kV double-circuit structures. This 220 kV transmission line is electrically independent of Segment 8A's 500 kV transmission line, and replaces an existing 220 kV transmission line. When Segment 8A's 500 kV line turns to the north near the Mira Loma Substation, Segment 8C continues to the east on existing 220 kV structures into the Mira Loma Substation. Construction on 8C was substantially completed on November 21, 2014, and SCE expects to complete testing and energize the line in late December 2014/early January 2015.

7. Construction activities on Segment 8 in Ontario were substantially complete on November 21, 2014, with the limited exceptions of (1) installation of signage, including safety signage required by General Order (GO) 95; (2) completion of limited restoration activities as required by the Final Environmental Impact Report (Final EIR); (3) completion of certain access roads; and (4) completion of minor quality assurance activities commonly completed at the end of construction activities.

8. Ontario is located approximately four miles from Chino Hills. SCE completed construction of the approximately 200-foot tubular steel poles (TSPs) in Chino Hills in 2012. These TSPs were visible from the 71 freeway, which is located just a few miles from Ontario. The TSPs in Chino Hills were also visible from public streets adjacent to the ROW, one of which was located in a public park. These structures, similar in size to those designed for 8A in Ontario, could be viewed until November 2013 (when they were removed pursuant to the Undergrounding Decision).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 5, 2014, at Brea, California.

/s/ Donald E. Wright
By: Donald E. Wright

ATTACHMENT B

**ATTACHMENT B
DECLARATION OF JORGE CHACON**

I, Jorge Chacon, declare as follows:

1. My name is Jorge Chacon, and my business address is 3 Innovation Way, Pomona, California 91768. I am employed by the Southern California Edison Company (SCE) as Manager of Generation Interconnection Planning in the Transmission and Distribution Business Unit. As Manager of Generation Interconnection Planning, I am responsible for all transmission planning aspects of TRTP, including the portions of Segment 8 in Ontario.

2. The Chino-Mira Loma transmission corridor is a critical transmission pathway for the Southern California transmission grid, particularly to service the Inland Empire demands.

3. Segment 8B of TRTP consists of two 220 kV transmission lines, also known as the Chino-Mira Loma 220 kV No. 1 transmission line and the Chino-Mira Loma 220 kV No. 2 transmission line.

4. Segment 8A and 8C of TRTP consists of one 500 kV transmission line and one 220 KV transmission line both installed on common 500 kV transmission infrastructure. The 220 kV line is known as the Chino-Mira Loma 220 kV No. 3 transmission line while Segment 8A's 500 kV transmission line is known as the Mira Loma-Vincent 500 kV transmission line.

5. Segments 8B and 8C replaced existing 220 kV transmission lines. The construction of Segments 8B and 8C were carefully sequenced to maintain a transmission pathway between the Chino and Mira Loma Substations. Segment 8B, which upgraded the original Chino-Mira Loma No. 1 low capacity transmission line, provided for two new high capacity 220 kV transmission lines. Segment 8B was completed first before construction of Segment C began so that service to the Chino area load could be maintained during the long-term outage of the Chino-Mira Loma 220 kV No.2 and No.3 transmission line previously located in the Segment 8C right-of-way.

6. While SCE has not yet performed a full analysis of the implications of Ontario's request, there are serious potential implications that may develop if the Commission were to: (1) issue a stay that delayed the in-service date of Segment C (the Chino-Mira Loma No. 3 220 kV transmission line); or (2) order SCE to tear down and underground Segments 8A, 8B, and 8C.

7. All base cases in the CAISO planning studies assume all three Chino-Mira Loma 220 kV transmission lines, including Segment 8C, will be in service before the heavy summer load months of 2015.

8. Issuance of a stay that delays of the in-service date of Segment C could introduce voltage performance implications at Chino Substation in the event of a loss of the Chino-Mira Loma No. 1 and No. 2 transmission lines.

9. In the event that SCE were ordered to underground the three 220 kV transmission lines, resulting in long-term unavailability of these lines to serve Chino area load, approximately 700 MW of load would be served from the Chino-Serrano 220 kV and Chino-Viejo 220 kV transmission lines. Loss of any of these two transmission lines would most likely introduce voltage performance issues. Loss of both of these two transmission lines (collocated on common structures) would result in the complete disconnection of the Chino Substation from the grid and SCE would not be able to serve the Chino area load.

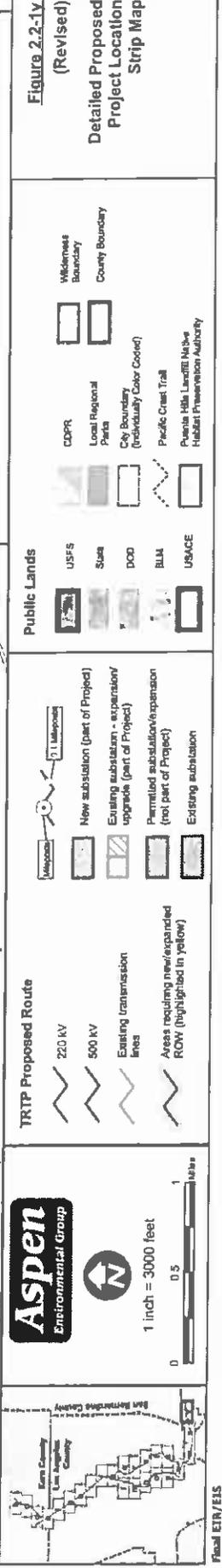
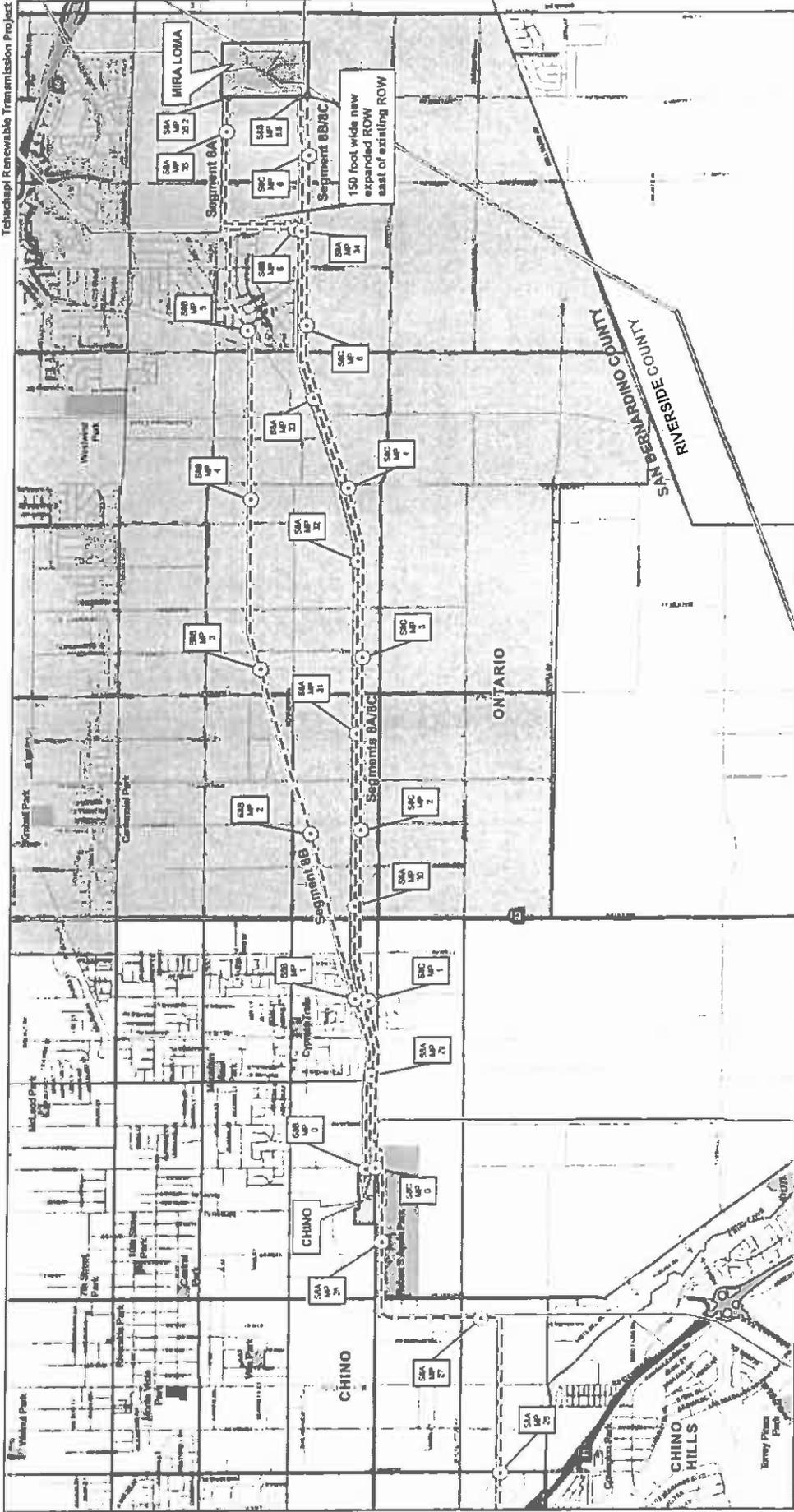
I declare under penalty of perjury under the laws of the State of California that the facts set forth above are true and correct to the best of my knowledge and information.

Executed on December 5, 2014, at Pomona, California.

/s/ Jorge Chacon
By: Jorge Chacon

ATTACHMENT C

2. DESCRIPTION OF ALTERNATIVES
Tehachapi Renewable Transmission Project



ATTACHMENT D

CITY OF



ONTARIO

303 EAST "B" STREET, CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000
FAX (909) 395-2070

PAUL S. LEON
MAYOR

GREGORY C. DEVEREAUX
CITY MANAGER

JASON ANDERSON
MAYOR PRO TEM

August 2, 2007

MARY E. WIRTES, MMC
CITY CLERK

ALAN D. WAPNER
SHEILA MAUTZ
JIM W. BOWMAN
COUNCIL MEMBERS

JAMES R. MILHISER
TREASURER

CPUC
Docket Office
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102

SUBJECT: TEHACHAPI RENEWABLE TRANSMISSION PROJECT (NO. A.07-06-031)

To Whom It May Concern:

As the City of Ontario and the State of California continue to grow, we recognize the need for additional sources of energy to supply our residents. In the age of "going green," utilizing renewable sources of energy will allow SCE to meet the growing demand for power and be environmentally sensitive in the process. The Tehachapi Project will go a long way in accomplishing both goals.

The City of Ontario has reviewed the information contained in SCE's application with the Public Utilities Commission and SCE's fact sheet on the Tehachapi Project (dated March 2007). Based on that information, the City offers the following comments for the SCE project:

1. The fact sheet indicates that two tower types are available for the 500 kV lines, a skeletal design and a tubular steel pole design. Given that the area proposed for the improvements is planned for residential development, tower aesthetics are extremely important. As a result, the City of Ontario requests the tubular steel pole design be used for any new towers constructed as part of this project.
2. While not identified in the fact sheet, the City of Ontario requests a similar tubular steel pole design be used for the new 220 kV towers being constructed as part of the project.
3. The current proposal calls for both 500 and 220 kV lines adjacent to existing development west of Haven Avenue, south of Chino Avenue. The placement of both lines in this area requires an additional 150-foot wide easement be obtained. This location impacts existing entitled projects and proposed developments (see attached exhibits). City staff had met previously with SCE representatives about the potential to realigning the 500kV and

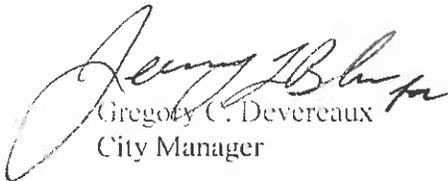
220kV lines. The City was informed by SCE that the layout of the existing substation would prevent the realignment of the transmission lines as requested. As a result, the City requested that SCE consider reducing the easement width to minimize impacts to entitled and proposed projects. SCE indicated that they will explore a reduction in the easement width. To date, a response has not been received. Given the comment period time constraints, the City is requesting the PUC consider a reduction in the easement width from 150 to 100 feet as part of the application.

4. The City is aware that other cities are considering alternative routes for the transmission lines serving the Tehachapi Project. The City of Ontario requests notification of any changes or alternatives to the proposed routing at the earliest possible opportunity so that a proper analysis of potential impacts to Ontario can be conducted.
5. The City has heard there is a method whereby the noise associated with transmission lines may be reduced. The City requests that, if available, this method be applied to the proposed facilities adjacent to planned residential areas.
6. The City has adopted a transportation implementation plan for the New Model Colony that identifies the location and width of streets. The City requests that SCE coordinate tower locations with the City outside of planned street rights of way to avoid relocation of towers at some future date.

As mentioned previously, the City has met with SCE representatives to discuss the project. SCE has been open to suggestions made by the City but the timing of the PUC submittal resulted in insufficient time to finalize all the details. The City views the PUC process as the opportunity to finalize these plans to the benefit of both the City of Ontario and SCE.

If the City can be of any assistance, please feel free to contact Jerry Blum, Planning Director, at (909) 395-2199 or jblum@ci.ontario.ca.us.

Sincerely,

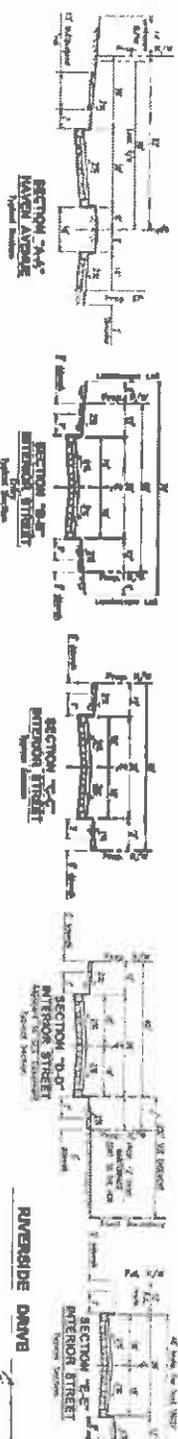
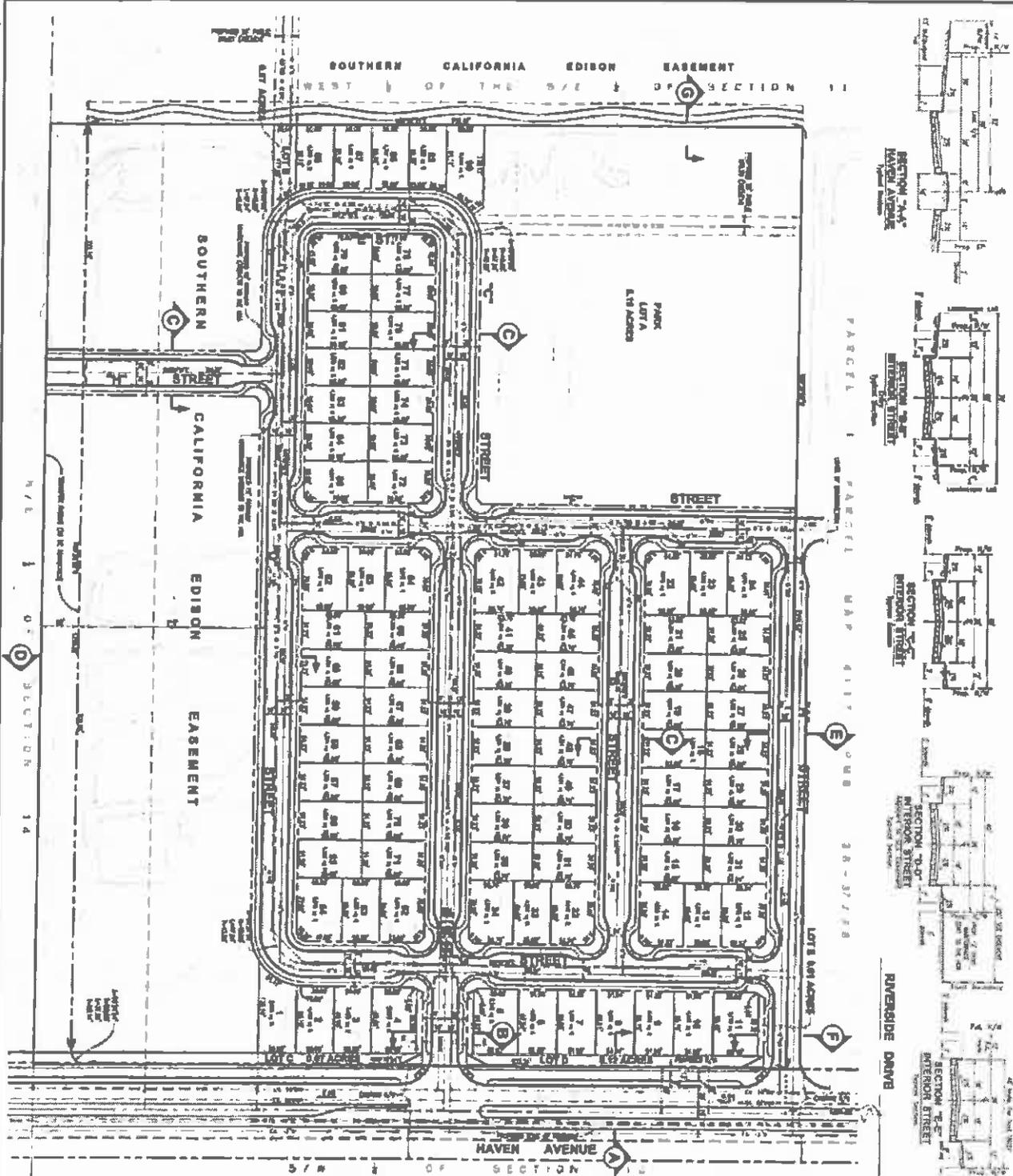


Gregory C. Devereaux
City Manager

Attachments: Tentative Tract Map 17752
Tentative Tract Map 18027

Cc: Otto Kroutil, Development Director
Jerry Blum, Planning Director
John Sullivan, City Engineer
Neil Derry, SCE

SOUTHERN CALIFORNIA EDISON EASEMENT
WEST OF THE S/2 & 3/4 OF SECTION 14



TENTATIVE TRACT 18027

IN THE CITY OF ORANGE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

FILED FOR RECORDING IN BOOK 18027, PAGE 18, OF THE PUBLIC RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ON 11/11/2014.

OWNER:
L.A. 18027, INC.
Orange, California

DEVELOPER:
L.A. 18027, INC.
Orange, California

ENGINEER:
L.A. 18027, INC.
Orange, California

ARCHITECT:
L.A. 18027, INC.
Orange, California

LANDSCAPE ARCHITECT:
L.A. 18027, INC.
Orange, California

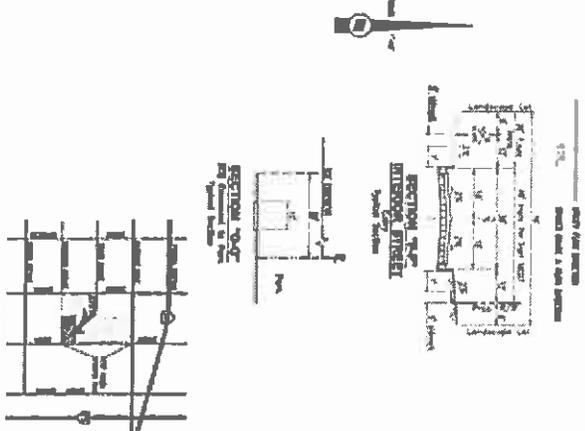
PLANNING:
L.A. 18027, INC.
Orange, California

CONTRACTOR:
L.A. 18027, INC.
Orange, California

GENERAL NOTES:
1. THIS TRACT IS SUBJECT TO THE EASEMENT OF THE SOUTHERN CALIFORNIA EDISON COMPANY, A DIVISION OF THE EDISON COMPANY, INC., AS SHOWN ON THE EASEMENT MAP FILED FOR RECORDING IN BOOK 18027, PAGE 18, OF THE PUBLIC RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, ON 11/11/2014.

LEGEND:
- - - - - Proposed Street Line
- - - - - Proposed Lot Line
- - - - - Proposed Easement Line
- - - - - Proposed Right-of-Way Line
- - - - - Proposed Utility Line
- - - - - Proposed Other Line

SECTION 2-A:
SECTION 2-B:
SECTION 2-C:
SECTION 2-D:
SECTION 2-E:
SECTION 2-F:
SECTION 2-G:





**CALIFORNIA PUBLIC UTILITIES COMMISSION
USDA FOREST SERVICE**



Scoping Comments

Proposed Tehachapi Renewable Transmission Project

Date: October 4, 2007

Name*: Scott Murphy, Principal Planner

Affiliation (if any): City of Ontario

Address: 303 East "B" Street

City, State, Zip Code: Ontario, CA 91764

Telephone Number: (909) 395-2419

Email: smurphy@ci.ontario.ca.us

(See attached letter)

**Please print. Your name, address, and comments become public information and may be released to interested parties if requested.*

Submit comments by mail using this comment sheet (fold, stamp, and mail); insert additional sheets if needed. Comments may also be submitted to the project hotline at (888) 331-9897 or emailed to TRTP@aspenerg.com. Comments must be postmarked by October 1, 2007.



PAUL S. LEON
MAYOR

JASON ANDERSON
MAYOR PRO TEM

ALAN D. WAPNER
SHEILA MAUTZ
JIM W. BOWMAN
COUNCIL MEMBERS

October 4, 2007

GREGORY C. DEVEREAUX
CITY MANAGER

MARY E. WIRTES, MMC
CITY CLERK

JAMES R. MILHISER
TREASURER

John Boccio/George Farra
California Public Utilities Commission/Angeles National Forest
c/o Aspen Environmental Group
30423 Canwood Street, Suite 215
Agoura Hills, CA 91301

SUBJECT: TEHACHAPI RENEWABLE TRANSMISSION PROJECT (NO. A.07-06-031)

Dear Mr. Boccio and Mr. Farra:

The City of Ontario has reviewed the Notice of Preparation prepared for the Tehachapi Project and attended the September 20, 2007, scoping meeting at the City of Chino Hills. Based on a review of the written information and the public testimony, the City offers the following comments for consideration in the EIR/EIS:

1. At the scoping meeting, the City of Chino Hills presented an alternative alignment to that proposed by SCE. The alignment would utilize existing right-of-way through the Chino Hills State Park and terminate at a new substation within the park. As required under CEQA, project alternatives must be considered. The alternative provided by the City of Chino Hills appears to be a feasible alternative and the City of Ontario recommends a full environmental analysis be undertaken as part of the EIR/EIS to determine the potential impacts of the alternative relative to the proposed alignment.
2. The fact sheet indicates that two tower types are available for the 500 kV lines, a skeletal design and a tubular steel pole design. Given that the area proposed for the improvements is in close proximity to existing and planned residential development, tower aesthetics are extremely important. As a result, the City of Ontario requests the tubular steel pole design be used to mitigate the aesthetic impacts created by the project.
3. The proposed alignment involves the construction of new 220kV towers in close proximity to existing and planned residential developments. While not identified in the fact sheet or NOP, the City of Ontario requests a similar tubular steel pole design be used for the new 220 kV towers to mitigate the aesthetic impacts created by the project.

4. The current proposal calls for both 500 and 220 kV lines adjacent to existing development west of Haven Avenue, south of Chino Avenue. The placement of both lines in this area requires an additional 150-foot wide easement be obtained. This location impacts existing entitled projects and proposed developments. The City of Ontario requests that the EIR/EIS consider a reduction in the easement width from 150 to 100 feet to minimize potential impacts to the development.
5. The City has heard there is a method whereby the noise associated with transmission lines may be reduced. The City requests that, if available, this method be applied to the proposed facilities to mitigate impacts to adjacent planned residential areas.
6. The City has adopted a transportation implementation plan for the New Model Colony that identifies the location and width of streets. The City requests that SCE coordinate tower locations with the City outside of planned street rights of way to avoid relocation of towers at some future date.

We look forward to continued dialogue with you, the CPUC, and SCE as the project moves through the environmental review and entitlement process.

If the City can be of any assistance, please feel free to contact Jerry Blum, Planning Director, at (909) 395-2199 or jblum@ci.ontario.ca.us.

Sincerely,



Gregory C. Devereaux
City Manager

CITY OF



ONTARIO

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JIM W. BOWMAN
MAYOR PRO TEM

ALAN D. WAPNER
DEBRA DORST-PORADA
PAUL VINCENT AVILA
COUNCIL MEMBERS

CHRIS HUGHES
CITY MANAGER

MARY E. WIRTES, MMC
CITY CLERK

JAMES R. MILHISER
TREASURER

August 14, 2013

Mr. Michael Peevey, CPUC President
CPUC Commissioners Sandoval, Ferron, Florio and Peterman
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

RE: Decision 13-07-018 – Decision Granting the City of Chino Hills' Petition for Modification of Decision 09-12-044 and Requiring Undergrounding of Segment 8A of the Tehachapi Renewable Transmission Project

Dear President Peevey and Honorable Commissioners:

On behalf of the City of Ontario, I'd like to take this opportunity to thank you and all members of the Commission for the diligent efforts leading to the decision granting the City of Chino Hills Petition. We recognize the complexities involved on both sides of this difficult decision. While the City of Ontario took no position on the issue of undergrounding per se, we did articulate our strong opposition to the potential expansion of the Mira Loma Substation in our April 16, 2013 letter addressed to the Commission through its Public Advisor's office (attached for reference). We were therefore very pleased to learn that the Commission chose to exclude reactive compensation and funding from its final Order dated July 11, 2013.

Reactive compensation, if implemented at the Mira Loma Substation located within the City of Ontario, would have necessitated the expansion of the existing Mira Loma facility onto land already approved by the City for residential use under the 2007 Rich-Haven Specific Plan, and across a planned collector street and storm drain facility designed directly adjacent to the existing substation boundaries. The Rich-Haven planned community entails construction of 4,256 dwellings and associated parks, schools and commercial services, and is an integral part of Ontario's New Model Colony, a large-scale urban project over 15 years in the making, with a projected population of well over 100,000.

Please note this project will soon become a reality; construction and bid documents for the infrastructure adjacent to the existing Mira Loma substation had been completed in 2008, and were within days of release for public construction bidding. Only the onset of the recession has put construction on temporary hold. With the recent revival of the housing markets and the economy in general, we anticipate requests for construction permits from private sector developers to be imminent.

Mr. Michael Peevey, President
Commissioners Sandoval, Ferron, Florio and Peterman
August 14, 2013
Page 2

The City of Ontario has a current population of approximately 168,000 residents and is home to the LA/Ontario International Airport, the fifteenth busiest cargo airport in the United States. The City serves as the largest industrial and distribution center in the Inland Empire, with immediate access to the I10 and I15 and 60 freeways. In planning for a truly balanced community, the City annexed 8,200 acres generally located to the north, west and south of the Mira Loma substation and developed a General Plan for the New Model Colony. The New Model Colony is intended accommodate the development of a balanced community and its successful implementation is of the highest importance to the City.

While we are pleased that reactive compensation and associated potential expansion of the Mira Loma facility is not at this time an integral part of the project, we remain concerned. Paragraph 5 of the Order, as adopted on July 11, 2013, provides an opportunity for a Petition to be filed to include reactive compensation. The Order states in part:

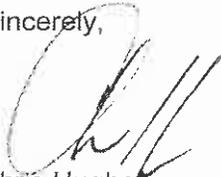
"If Southern California Edison Company (SCE) wishes the Commission to amend the cost cap adopted in Ordering Paragraph 4, above, to include a reasonable sum for development and implementation of a Basic Insulation Level (BIL) standard in the design of UG5 (or of reactive compensation, if BIL is shown to be impracticable), SCE shall file and serve a petition for modification within 60 days of the date of this decision."

The discussion about the potential expansion of the Mira Loma Substation is directly tied to the need for reactive compensation, should BIL become impracticable. Any such discussion should rightly include the City of Ontario.

If modifications resulting in inclusion of reactive compensation and the expansion of Mira Loma Substation are sought by Southern California Edison, the filing of a petition is required by the Order. In such an event, the City will have no choice but to move for a party status to ensure our concerns are allowed to be heard. It would indeed be ironic if a decision intended to respect the community values in one city were to result in adverse impacts on another, in this case Ontario and its community values.

We very much appreciate and thank you for your time and consideration. Please do not hesitate to contact me at (909) 395-2555 if you should have any questions, or if we can in any way clarify the City's concerns.

Sincerely,



Chris Hughes
City Manager

Attachment

c: Mayor and City Council

CITY OF



ONTARIO

103 EAST 10TH STREET CIVIC CENTER

ONTARIO

CALIFORNIA 91764-4105

(909) 395-2000

FAX (909) 395-2070

PAUL S. LON
CITY MANAGER

TIM W. BOWMAN
CITY ADMINISTRATOR

ALAN D. WAPNER
DEBRA DORST POHADA
PAUL VINCENT AVILA
CITY ENGINEER

CHRIS CROCHES
CITY MANAGER

MARY E. WHEELER-MMC
CITY MANAGER

JAMES R. MILITISER
CITY MANAGER

April 9, 2013

Public Advisor Office
California Public Utility Commission
505 Van Ness Avenue, Room 2103
San Francisco, CA 94102

SUBJECT: APPLICATION 07-06-031 – TEHACHAPI RENEWABLE TRANSMISSION PROJECT, CHINO HILLS UNDERGROUNDING

Recently, the City of Ontario was made aware of Southern California Edison's (SCE) submittal of testimony relative to the potential undergrounding of 500kV transmission lines through the City of Chino Hills. This was followed by receipt of a copy (dated February 28, 2013) of the formal California Public Utilities Commission (CPUC) filing on March 4, 2013. In reviewing the filing, the City was greatly disturbed by the potential impacts to the City of Ontario resulting from the undergrounding of transmission lines in the City of Chino Hills.

As proposed in SCE's filing, the Mira Loma Substation, located in Ontario, would need to be expanded at the northwest corner of the facility 175 feet to the west, extending 1,136 feet to the south. This expansion would be necessary to accommodate additional equipment to regulate the circuits/current associated with the transmission line undergrounding. The substation expansion impacts the City of Ontario in several areas:

- 1) The expansion would extend the substation into an area planned for residential development. The Rich Haven Specific Plan, approved in 2007, is entitled for the development of 4,256 dwelling units, placing homes in closer proximity to SCE facilities;
- 2) The expansion would extend the substation over a planned collector street. Mill Creek Avenue has been fully designed from Riverside Drive to Bellegrave Avenue. Through this design process, numerous meetings were held with SCE to accommodate the Mira Loma Substation and transmission towers serving the substation. Right-of-way has been acquired along the west side of the substation. Street improvements, including underground infrastructure, have been installed north of Chino Avenue and some storm drain improvements south of Chino Avenue. It is unclear at this point if Mill Creek Avenue can be redesigned to accommodate the expansion. Alternatives including curving the street, providing an offset intersection and/or eliminating Mill Creek Avenue between Chino Avenue and Edison Avenue would require further review and environmental studies, including traffic studies, none of which have been completed.

Public Advisor Officer

April 9, 2013

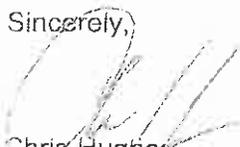
Page 2

- 3) This alternative was not addressed in the EIR/EIS prepared for the TRTP. Pursuant to the California Environmental Quality Act (CEQA), appropriate environmental review shall be completed on the alternative prior to any decision on the project. The review would address the aesthetic impacts, circulation impacts, biological impacts, infrastructure impacts, and any other impacts that proper scoping might determine as necessary;
- 4) The Mira Loma Substation is already one of the most aesthetically unappealing facilities in the southern portion of Ontario. As this facility was in place prior to the City's incorporation of the San Bernardino County Agricultural Preserve (also known as the New Model Colony or NMC), the City has accepted this condition and has, in fact, worked with SCE on additions internal to the substation boundaries. The expansion would, however, require the placement of additional equipment and towers at the substation, thereby further impacting the aesthetics of the area; and
- 5) It is our understanding that the equipment needed to regulate the circuits/current does not have to be placed at the Mira Loma Substation. The equipment could be placed where the transmission lines emerge from underground or any point in between where the lines come above ground and the substation. A CEQA document should be prepared analyzing alternative equipment locations, full disclosure of any impacts at those locations, and provide the City and other parties of interest with the opportunity to review and provide input on the project.

The City of Ontario has spent the better part of the last 15 years working on the plans for the transition of the Ag Preserve to a sustainable quality community (NMC). A General Plan has been developed, an Environmental Impact Report and other environmental studies have been certified, and multiple Specific Plans and legally binding Development Agreements have been approved. All of these plans have respected the existing SCE facilities. Additionally, the City has accommodated SCE's facilities associated with the Tehachapi Renewable Transmission Project (TRTP), including tower placement, tower design, and expanded right-of-way. The proposed expansion of the Mira Loma Substation negatively impacts the City of Ontario in ways that have not been analyzed. As a result, the City has no choice but to oppose expansion of the Mira Loma Substation as proposed in SCE's filing of February 28, 2013.

Feel free to contact me at (909) 395-2555 should you have any questions.

Sincerely,



Chris Hughes
City Manager

c: Mayor and City Council