

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

In the Matter of the Application of SOUTHERN CALIFORNIA EDISON COMPANY (U-338-e) for a Certificate of Public Convenience and Necessity Concerning the Tehachapi Renewable Transmission Project (Segments 4 through 11)

Application No. 07-06-031
(Filed June 29, 2007)

**PROTEST OF THE CITY OF CHINO HILLS TO SOUTHERN CALIFORNIA
EDISON'S APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REGARDING SEGMENTS 4 THROUGH 11 OF THE TEHACHAPI
RENEWABLE TRANSMISSION PROJECT**

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Pursuant to Rule 2.6 of the Rules of Practice and Procedure of the California Public Utilities Commission ("Commission"), the City of Chino Hills ("Chino Hills" or the "City") protests the Application of Southern California Edison Company ("SCE") for a Certificate of Public Convenience and Necessity ("CPCN") concerning Segments 4 through 11 of the Tehachapi Renewable Transmission Project ("TRTP").

I. INTRODUCTION

SCE is proposing to construct the TRTP, which would consist of a series of new and upgraded high-voltage transmission lines and substation facilities, so as to provide the electrical facilities necessary to integrate levels of new electric generation in excess of 700 megawatts to SCE's high voltage transmission grid. As stated by SCE (Application at p.1), the TRTP will allow generating resources, consisting primarily of wind generation, that are planning to locate in the Tehachapi and Big Creek Corridor areas to deliver electricity from new wind farms in eastern Kern County to the Los Angeles Basin, the heart of SCE's service territory. The driving force behind the TRTP is that it will enable SCE to comply with the State of California's Renewable

Portfolio Standard (“RPS”), which requires retail sellers of electricity to increase their sale of electricity produced by renewable energy resources to 20% by 2010, by providing access to planned renewable resources in the Tehachapi Wind Resources Area of Kern County.

Chino Hills recognizes the overall importance of the State’s RPS to California residents and SCE’s need to achieve compliance. Chino Hills, however, believes that such goals can be met without severe negative impact to residents along the route of the proposed TRTP. As will be discussed in more detail below, Chino Hills is requesting that the Commission reject SCE’s proposed route for Project Segment 8A (at least as such traverses Chino Hills) and direct SCE to work with Chino Hills to assure the route selected does not impose severe detrimental impacts on its residents.

In support of its Protest, Chino Hills states the following:

II. INTEREST IN THIS PROCEEDING

Chino Hills is an incorporated city, 46 square miles in size, located 30 miles east/south east of Los Angeles, in San Bernardino County. The city is primarily residential and contains 3000 acres of public open space.

Chino Hills lays in the direct path of the proposed route for SCE’s TRTP, with Segment 8A intersecting the city for approximately five miles, of which three miles goes directly through densely populated residential neighborhoods. Chino Hills is interested in protecting the safety and welfare of its residents and has intervened in this proceeding to assure an alternate route for Segment 8A, as that segment travels through Chino Hills, is devised and ultimately approved by this Commission. In this regard, Chino Hills is willing to work with SCE and the Commission to secure a solution which meets SCE’s need to construct the necessary transmission linkage between the Kern County wind farms and its high voltage transmission grid, while also assuring

that residents of Chino Hills are not forced to live with severe negative impacts from the Project, certain of which even SCE has classified as “significant.”

III. COMMUNICATIONS

All correspondence, pleadings, orders and notices in this proceeding should be directed to the following Chino Hills representatives:

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IV. PROTEST

Segment 8A of the TRTP consists primarily of rebuilding the existing Chino-Mesa 220 kV transmission line, which is not currently energized, with 500 kV double circuit structures along a route starting two miles east of the Mesa Substation in the Whittier Narrows known as the San Gabriel Junction to a point approximately 1/2 mile west of the Chino Substation, located in Ontario, California. This segment of the TRTP enters Chino Hills on a piece of property owned by the county on which sits a building soon to be converted into a community center and traverses the City for approximately five miles. Of the five miles which the Project intersects

Chino Hills, three miles of it is comprised of densely populated residential neighborhoods, in which approximately 1046 homes will be located less than 500 feet from the proposed line. Currently these neighborhoods are dissected by a 150 foot wide SCE easement on which there is a de-energized 220 kV transmission line. As set forth in brief below, the construction and operation of the TRTP, which will result in structures up to 195 feet in height with a wing span of sixty feet towering over the “backyards” of these Chino Hills homes, will detrimentally impact the safety and welfare of the residents.¹ Moreover, SCE proposes to inflict these impacts on Chino Hills’ residents without adequately considering other viable alternatives.

A. SCE Failed to Adequately Consider Alternatives

SCE’s Proponent’s Environmental Assessment (“PEA”) addresses two alternate routes vis-à-vis the City of Chino Hills – (1) routing the transmission line through the Cajon Pass (which would impact Segments 6, 7 and 8) ; and (2) routing the transmission line through Chino Hills State Park (which would impact mainly the Chino Hills section of Segment 8A). As discussed below, based, on the information provided by SCE in the PEA, it would appear that the former alternative was never a viable option and the latter was never fully investigated.

1. Alternative Routing through Cajon Pass

The Cajon Pass alternative would bypass Chino Hills altogether. This alternative would route the proposed Mira Loma –Vincent 500 kV line from SCE’s existing Vincent Substation east, toward the existing Lugo Substation where the route would turn south and travel through the Cajon Pass to the Mira Loma Substation. As noted in the PEA (p. 2-71), the Cajon Pass is subject to annual fires which generally correspond to periods of maximum power flow (i.e.,

¹ The discussion in this Protest is intended to be illustrative of the concerns which Chino Hills has with the proposed Project. Chino Hills reserves the right to raise additional issues and concerns as the proceeding progresses.

summer months). These fires shut down or damage transmission lines, thereby triggering outages. SCE is well aware that locating a new transmission line in an area that historically had a high probability of outages would not comply with the NERC Planning Standards; nor would it meet the California Independent System Operator's ("CAISO") applicable reliability standards. Thus, it appears that while included in the PEA as a means of fulfilling the proponent's obligation to consider alternatives, this alternative was a straw man that would never have been viable.

2. Alternative Routing through Chino Hills State Park²

The PEA discusses two alternatives for routing a portion of Segment 8A through the Chino Hills State Park which, as noted in the PEA, currently contains active double circuit 220 kV transmission lines (the Mira Loma–Olinda and Mira Loma-Walnut transmission lines).³ The first option considered was widening this existing utility corridor and placing the 500 kV line parallel to the existing 220 kV lines. The PEA states that when the 500 kV line exits the park, the widened utility corridor, from near the intersection of Pine Avenue and State Highway 71 in Chino to the Chino Substation in Ontario, would be routed through "developed" areas in Chino. The second alternative noted was to reroute the existing 220 kV lines in the park, and install the new 500 kV transmission line in their place. The existing 220 kV lines would be relocated to the proposed Chino-Hills right-of-way where an idle 220 kV transmission line would be removed. A new 500 kV transmission line corridor would be required from a point near the intersection of Pine Avenue and State Highway 71 in Chino to the Chino Substation.

² Chino Hills would note that it is difficult to discern the exact routing of the proposed alternatives as SCE neglected to provide maps of the routes in the PEA.

³ The Mira Loma-Olinda and Mira Loma-Walnut are each a single circuit line which converge into a double circuit as the lines cross through Chino Hills State Park.

While SCE readily dismisses these options through Chino Hills State Park, it is apparent that the level of analysis and investigation has been cursory. For example, in assessing both of the above options, the PEA states “to avoid certain features in the Park and residential and other structures, the corridor *might* not be routed in a straight line, i.e., the shortest route possible,” thus potentially compromising project Objective 8 (selection of the shortest feasible route). This statement illustrates that not only did SCE fail to plot out exact routes for the proposed alternatives, but also it does not appear that SCE has a full knowledge of the potential impediments in the area along which the route would traverse. Thus, while the PEA talks about the potential of having to reroute due to residential structures, Chino Hills is unable to discern what residences the PEA is referencing. The area along Pine Avenue where the line would exit the park is not presently developed. While future development is planned, such is a far cry from the densely populated neighborhoods which SCE has proposed to route its 500 kV line.

Similarly, again with respect to both of the above options, the PEA states that routing the line through the State Park could create public opposition that would affect the implementation schedule, thus impacting Project Objective 9 (meeting project needs in a timely manner). Chino Hills is not contesting the fact that routing a line through a state park *may* create some public opposition. However, as evident from Chino Hills’ involvement in this proceeding, SCE’s proposed route through the backyards of Chino Hills’ residents has and continues to create very strong and well orchestrated opposition. If you applied SCE’s logic of dismissing an alternative route on the basis of potential public opposition, then its proposed route should be dismissed from consideration as well.

Finally, the PEA notes that “routing a larger transmission line through the Chino Hills State Park would also result in greater visual impact from the viewpoint in the Park.” As

discussed below, Chino Hills questions whether this statement is accurate. Regardless of its accuracy, however, it does not provide a basis for rejecting the alternatives. It has already been established that routing the 500 kV line behind the homes of Chino Hills' residents will have a significant immitigable impact. Again, using SCE's logic, for dismissing the routes through the parks would necessitate that it dismiss its proposed route.

4. The PEA failed to Explore Other Reasonable Alternatives

The PEA states that the TRTP is being developed to conform with the CAISO Tehachapi Transmission Project, developed as part of the CAISO South Regional Transmission Plan for 2006 (CSRTP-2006) and approved by the CAISO Board in January of 2007. The CAISO report on the Tehachapi Transmission Project indicates that the development of Segment 8 around the Chino area "*may trigger a need for alternatives*" due to the issues and concerns predicted at the time for the urban areas along the Segment 8 route.

The alternatives analyses undertaken as part of the CSRTP-2006 process did not consider what could be viable alternatives to Segment 8 as it traverses Chino Hills. Given the routing concerns that have now been raised, additional alternatives warrant serious consideration and study by SCE and subsequently by the CAISO. For example, SCE should explore the possibility of terminating Segment 8A into the existing Serrano-Mira Loma/Rancho Vista 500 kV line which, in addition to the 220 kV lines discussed above, also runs through the Chino Hills State Park.⁴ Terminating Segment 8A at this point could be accomplished using several design variations, all of which would use the least contentious part of the Chino Hills State Park route rejected by SCE – the portion in the transmission corridor where the 220 kV lines currently exist

⁴ Chino Hills understands that the existing Serrano Lugo 500 kV transmission line will be looped into the planned Rancho Vista Substation before 2011.

– and would obviate the need to run a double circuit 500 kV line through densely populated areas within the City of Chino Hills.

While Chino Hills understands that each alternative route has its own unique characteristics and costs, Chino Hills suggests that options such as the one discussed above need to be carefully explored to determine whether they can significantly achieve the same goals as originally intended for Segment 8 of the TRTP, while obviating the severe adverse impact of the PEA proposed route for Segment 8A within the Chino Hills area. Moreover, the City submits that this particular alternative, which focuses on the use of existing Serrano-Mira Loma/Rancho Vista 500 kV transmission lines, may assist with the TRTP development schedule by eliminating opposition from urban areas along the proposed Segment 8A route. Finally, such an alternative may potentially reduce the overall cost of the TRTP by reducing the overall length of the Segment 8A, particularly for those portions which traverse densely populated areas.⁵

In short, Chino Hills believes that there are other reasonable alternative solutions for Segment 8A that do not require it to unsafely intrude into its heavily populated residential areas. Chino Hills is very willing to work with SCE to identify and study such alternative solutions.

B. PEA’s Analysis of Existing Right of Way through Chino Hills Appears Deficient

As stated above, SCE currently owns a 150 foot right of way through residential property in Chino Hills. Review of the PEA would indicate that this easement may not be sufficient for

⁵ Chino Hills understands that a change in the plan previously approved by the CAISO Board, once fully studied and found effective, might require a re-approval by the same board. However, if it can be shown that an alternative can readily achieve the same goals as those in the original plan at potentially lower cost and reduced impact on project timeline, Chino Hills believes that re-approval may not be necessary and if sought should be readily granted.

installation of either the necessary lattice steel towers (“LSTs”) or tubular steel poles (“TSPs”).⁶ Thus, with respect to the steel towers, the PEA (at p.3-46) states that “the LSTs would be assembled at laydown areas at each site and then erected and bolted to the foundations.... Ground disturbance would generally be limited to the laydown area, which would typically occupy an area of 200 feet by 200 feet.” Similarly, with respect to TSPs, the PEA states that “the poles could be assembled into a complete structure or set one piece at a time by stacking them together... Laydown areas would be established for the assembly process and would generally occupy an area 200 feet by 200 feet at each location.”⁷ In both instances, the PEA acknowledges that an area of 200 feet by 200 feet at each tower/pole location is necessary in order to install the structures. The need for such acreage would extend into the property of the residents living on both sides of the current right of way, causing significant disturbance to private property.⁸

In a similar vein, the PEA (p. 3-41) discusses the need for primary and secondary marshalling yards to stage equipment and material during construction. The PEA notes that an area up to five acres will be needed for each primary marshalling yard, while secondary marshalling yards (established for short term utilization near construction sites) require 1 to 3 acres. The PEA gives no indication where such yards will be located. Chino Hills submits that staging even a secondary marshalling yard on the right of way behind the homes in Chino Hills

⁶ Section 4.25.1 of the PEA (page 4.2-16), discussing SCE’s proposed mitigation measures for Aesthetic Impacts, provides that in areas that are in close proximity to existing residential development, TSPs will be specified so as to provide towers structures that relate visually to other elements in these settings.

⁷ *See also*, PEA, page 3-62 (assembly of TSPs and LSTs typically would require a laydown area of approximately 200 feet by 200 feet).

⁸ SCE notes (PEA at p. 3-62) that it generally purchases easements from property owner for transmission lines, but that it would use its power of eminent domain to acquire any necessary property rights if it is unable to reach agreement with the owner(s). Chino Hills is not aware of SCE engaging in any discussions with residents of Chino Hills as to the potential need to acquire a construction easement behind their home.

will necessitate extending into private property, again causing significant disturbance.

Finally, the PEA's discussion of the logistics of undertaking the actual installation of the towers in the 150 right-of-way between the homes is non-existent. For example, the PEA references (p. 3-46) the fact that "where road access is available to tower sites, assembled tower sections would be lifted into place with a minimum 80 ton all-terrain or rough terrain crane that would move along the R-O-W for structure erection purposes." Chino Hills questions whether SCE has investigated the feasibility of accessing and navigating the Chino Hills right-of-way with such a large piece of equipment.

It appears that as currently designed, SCE's proposed route will necessitate significant disturbance to residential property in Chino Hills that cannot be adequately mitigated. The Commission should direct SCE to work with the City to devise a route through Chino Hills which will minimize such disturbance.

C. The PEA Acknowledges that There Will be Significant Impacts to the Residents of Chino Hills Which Cannot be Mitigated

The PEA examines the aesthetic impacts of the Project on Chino Hills from three "key observation points"- (1) Avenida Anita / Avenida Compadres Intersection (residential); (2) Coral Ridge Park; and (3) Yellowstone Circle (residential).

Focusing on the observation points in residential areas, the PEA (p. 4.2-38) finds that with respect to the intersection of Avenida Anita / Avenida Compadres, the Project would result in a significant impact on view. Looking at the visual simulation provided in the PEA (Appendix E: LU17 KOP 17.1), Chino Hills submits that such finding is an understatement. The proposed structures are behemoth in nature, completely overtaking the visual landscape of the neighborhoods. The minimal mitigation proposed by SCE, using TSPs in the residential neighborhoods, as even SCE admits (PEA at p. 4.2-40), will not reduce the visual impact to a

level less than significant. Indeed, the TSPs create their own problems as their use requires shorter spans and, thus, there will be more 200 foot structures casting a shadow over the residences in Chino Hills.

With respect to the aesthetic impact of the project on the Yellowstone Circle area, the PEA finds it is less than significant, and therefore no mitigation is proposed. First, as noted in the PEA, Yellowstone Circle *is not* within the City Chino Hills. Thus, Chino Hills questions the use of this observation point for assessing the visual impacts on Chino Hills. Moreover, Chino Hills questions the PEA's finding. By reviewing the visual simulation provided (Appendix E: LU17 KOP 17.3), it is evident that the installation of 200 foot towers will significantly change the visual landscape of the neighborhood. From the vantage point which the picture was taken it shows that the current structures become hidden by trees while the new structures would be clearly visible far into the distance.

Finally, Chino Hills would note that the PEA ignores the fact that, as currently proposed, the TRTP would traverse the City's ridgeline which is protected by the City's Development Code. The Code recognizes that Chino Hills derives much of its character from its prominent ridgeline and thus restricts any development that would adversely impact that feature.⁹

The significant aesthetic impact which the Project will have on the City and its residents warrant the Commission to direct SCE to work with the Chino Hills to devise an alternate solution for the portion of Segment 8A which intersects the City.

D. The PEA Highlights Other Areas of Potential Project Impact on Welfare of Residents of Chino Hills

⁹ The topography of the City has the residential areas at some of its highest points. Thus, placement of the 500 foot structures in these areas will have more impact on the ridgeline than placement in other areas within the City's boundaries, such as the State Park.

Figure S-1 of the City Safety Element identifies seven active faults within the vicinity of Chino Hills: Whittier, Elsinore, Chino, Central Avenue, San Jose, Sierra Madre and Cucamonga. Of these faults, the closest to the TRTP Segment 8 alignment are the Chino, Central Avenue and San Jose faults. Figure S-2 of the Safety Element shows about two-thirds of the TRTP Segment 8A alignment as it passes through Chino Hills is susceptible to landslides, with about a quarter of the area identified as “most susceptible.” The Safety Element defines "most susceptible" as areas being unstable and subject to failure, *even in the absence of activities by man*.

Similarly, over two-thirds of the proposed TRTP Chino Hills alignment crosses through areas with a moderate to high potential for liquefaction.¹⁰ The City Safety Element as well as environmental studies prepared on properties within the vicinity of the proposed TRTP alignment (e.g., The Commons at Chino Hills Draft EIR, State Clearinghouse No. 20060210140) document groundwater at depths of below 30 feet. In addition, much of the soil in the proposed TRTP alignment area is comprised of unconsolidated, sandy alluvial soil, which is highly susceptible to liquefaction.

The PEA identifies each of these geologic hazards as being potentially significant for Segment 8, but then determines that implementation of APMs GEO-1 and GEO-2 would reduce any potential impacts to a less-than-significant level.¹¹ As applicable to the Chino Hills area, APM GEO-2¹² requires that, prior to final design of the T/L tower foundations, a geotechnical study is to be performed to identify site-specific geologic conditions and potential geologic

¹⁰ Liquefaction is phenomenon that results from seismically induced ground shaking. It occurs when loose, saturated, granular soil is subject to high intensity ground shaking and behaves similar to a fluid. Liquefaction typically requires three general conditions to occur: shallow groundwater, low density granular soil and high intensity ground motion.

¹¹ See PEA, p. 4-7-69 and p. 4-7-71.

¹² APM GEO-1 pertains to the design of substations.

hazards in enough detail to support good engineering practice. While Chino Hills appreciates the fact that detailed studies would be done prior to construction, the fact remains that geological hazards are unpredictable and that regardless of whether the towers are constructed consistent with good engineering practices, structures which are 195 feet tall with 60 feet wingspans will not withstand ground failure due to a major seismic, landslide or liquefaction event. The scale of this potential impact is multiplied given the proximity of the proposed towers to existing residential homes.

In a similar vein, Chino Hills notes that, given the proposed proximity of the 500 kV line to residential homes, a real safety risk is posed by falling transmission lines. Line breakage, mainly due to accidents, is not an uncommon event. In this case, if such were to occur, then it could result in a charged 500 kV line falling into the backyards of a number of the homes and, given the proximity, onto the rooftops of nearby residences, causing severe threat of safety hazards as well as property damage.

V. CONCLUSION

For the reasons set forth above, Chino Hills requests that the Commission reject SCE's currently proposed route for Section 8A of the TRTP as such section traverses Chino Hills, and direct SCE to work with the City to devise an alternate route which will meet SCE's need to construct the necessary transmission linkage between the Kern County wind farms and its major load centers, while also assuring that residents of Chino Hills are not forced to live with significant adverse impacts from the Project.

Respectfully submitted,

Dated: August 2, 2007

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By */s/ Jeanne B. Armstrong*

Jeanne B. Armstrong

Counsel for the City of Chino Hills

CERTIFICATE OF SERVICE

I, Melinda LaJaunie, certify that I have on this 2nd day of August 2007 caused a copy of the foregoing

**PROTEST OF THE CITY OF CHINO HILLS TO SOUTHERN CALIFORNIA
EDISON'S APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY REGARDING SEGMENTS 4 THROUGH 11 OF THE
TEHACHAPI RENEWABLE TRANSMISSION PROJECT**

to be served on all known parties to A.07-06-031 via email to those listed with email on the most recent service list on the CPUC website, and via U.S. mail to those without email service. I also caused courtesy copies to be hand-delivered as follows:

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California Public Utilities Commission
505 Van Ness Avenue, Room 5200
San Francisco, CA 94102

ALJ Victoria S Kolakowski
California Public Utilities Commission
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San Francisco, CA 94102

I declare on penalty of perjury under California law that the foregoing is true.

Executed this 2nd day of August 2007 at San Francisco, California.

/s/ Melinda LaJaunie
Melinda LaJaunie