

CITY OF CHINO HILLS

PRESS RELEASE



PR10 - 114

Contact: Denise Cattern
(909) 364-2615

Valerie McClung
(909) 364-2618

Date: September 9, 2010

CITY FILES PETITION IN SCE COURT CASE TO STOP CONSTRUCTION OF NEW POLES

City attorneys took another step in the City of Chino Hills' battle over Southern California Edison's (SCE) approved Tehachapi Renewable Transmission Project through Chino Hills. The City's appeal of a San Bernardino County Superior Court Judge's April 12th ruling that the Court did not have jurisdiction in the property rights case that Chino Hills filed against SCE remains active.

On Monday, August 30th City attorneys filed a Petition with the California Court of Appeal 4th Appellate District Division 2 requesting an injunction staying construction on the City's property while the appeal is pending.

According to City Attorney Mark Hensley, the City is seeking this extraordinary legal remedy to ask the Court to compel SCE to maintain the status quo until the court has time to issue its decision on the appeal

"Appellate courts routinely deny these kinds of Petitions, often within a few days," said Mr. Hensley. "As of Thursday, it had been 8 days and the City has not received word of a denial. However, a denial could be announced at any time."

Mr. Hensley said that regardless of the Court's action on the August 30th filing, there will eventually be a hearing by the Court of Appeal on the City's case.

"All we are asking in our appeal is that we be granted the right to defend our property in court like any other property owner," Mr. Hensley said. "The trial court wrongfully denied us this right."

-more-

Meanwhile – SCE has purchased ads in local newspapers and sent letters to residents along the TRTP route that indicate they are moving forward starting September 15th with removal of existing towers and construction of new poles / towers on their rights-of-way in Chino and in Los Angeles County adjacent to the segment through Chino Hills.

Background – SCE’s Tehachapi Renewable Transmission Project

The City of Chino Hills became aware in 2007 that SCE was working through the California Public Utilities Commission to get approval for the Tehachapi Renewable Transmission Project that would deliver wind energy to the electrical grid. SCE planned to route Segment 8a right through Chino Hills neighborhoods on 150 foot right-of-way where the transmission lines had been inactive for nearly 40 years and the easements were designed for much lower levels of electricity. Since that time, the City has worked tirelessly, with experts and stakeholders, to find an alternate route.

Select Milestones

August 2, 2007 – City of Chino Hills filed a protest with the California Public Utilities Commission (CPUC) regarding the Tehachapi Renewable Transmission Project (TRTP) proposed by Southern California Edison (SCE).

February 25, 2009 - City of Chino Hills filed a complaint in San Bernardino County Superior Court against SCE based on TRTP Segment 8A “overburdening the easement over City property.” City of Chino Hills vs. Southern California Edison, CIVRS 901914.

July 22, 2009 – SCE filed a motion that the San Bernardino County Superior Court had no jurisdiction in the complaint and the issue was not yet ready for adjudication. The Judge ruled in the City’s favor that the Court had jurisdiction but “stayed” the proceedings pending the CPUC decision.

December 24, 2009 CPUC decision led to a January 22, 2010 court date to lift the “stay” and allow the action to proceed.

February 11, 2010 - SCE filed an answer to the City’s Complaint and filed a Cross Complaint against the City.

April 12, 2010 –S.B. Co. Superior Court Judge ruled that Court did not have jurisdiction.

June 3, 2010 – Notice of Entry of Judgment was served on the City.

June 4, 2010 - City of Chino Hills filed an appeal of S.B. Co. Superior Court Judge’s ruling that the California Public Utilities Commission (CPUC) has exclusive jurisdiction with regard to the right-of-way property rights issue between the City and SCE.

Items Pending at the CPUC

City of Chino Hills filed:

- 1) Application for Rehearing of the CPUC Decision 09-12-044
- 2) Motion of the City for a Partial Stay of Decision 09-12-044
This is a request to order a “stay” on construction for segment 8 a through Chino Hills.

Additional background information is available at www.chinohills.org, select quick link “Tehachapi Project.”