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Decision 20-03-001 March 12, 2020

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

In the Matter of the Application of  
Southern California Edison Company  
(U338E) for a Certificate of Public  
Convenience and Necessity for the  
RTRP Transmission Project.

Application 15-04-013

**DECISION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY FOR THE RIVERSIDE TRANSMISSION RELIABILITY PROJECT**

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**DECISION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR THE RTRP TRANSMISSION PROJECT**

**Summary**

This decision grants Southern California Edison Company a certificate of public convenience and necessity for the Riverside Transmission Reliability Project. Provided that the City of Jurupa Valley grants Southern California Edison Company a superior easement protecting against the mandatory relocation of underground project facilities in consideration of the undergrounding of those project facilities, the project shall be constructed as Alternative 1 with the mitigation identified in the final and subsequent environmental impact reports prepared for the project. If the City of Jurupa Valley does not meet those terms, the project shall be constructed as the revised proposed project with the mitigation identified in the final and subsequent environmental impact reports prepared for the project.

We find and certify that the subsequent environmental impact report prepared for the project meets the requirements of the California Environmental Quality Act and that the project benefits of providing the City of Riverside with a second source line are overriding considerations that serve the public convenience and necessity and outweigh Alternative 1's unavoidable impacts on aesthetics, air quality, noise and transportation and traffic, and its contribution to cumulative hydrology and water quality impacts, and the revised proposed project's unavoidable impacts on aesthetics, agricultural and forestry resources, noise and transportation and traffic, and its contribution to cumulative hydrology and water quality impacts.

This proceeding is closed.

## **1. Background**

By this application, Southern California Edison Company (SCE) seeks a certificate of public convenience and necessity (CPCN) to construct the Riverside Transmission Reliability Project (RTRP) pursuant to Pub. Util. Code § 1001. The RTRP would increase transmission capacity and provide a second point of interconnection for bulk power transmission to Riverside Public Utilities and its customers.

Project approval is subject to environmental review under the California Environmental Quality Act (CEQA) and pursuant to General Order (GO) 131-D. If a proposed project may have a significant impact on the environment, CEQA requires the preparation of an environmental impact report (EIR) that identifies the project's environmental impacts, designs a recommended mitigation program to reduce any potentially significant impacts and identifies, from an environmental perspective, the preferred project alternative. CEQA provides that a permitting agency may not approve the project unless it requires all mitigation measures identified in the EIR, unless the permitting agency finds them to be infeasible, and determines that there are overriding considerations that merit project approval despite the unmitigable environmental impacts. CEQA further provides for the preparation of a subsequent EIR if, among other things, substantial changes occur which will require major revisions of the EIR.

The RTRP includes components that would be owned and operated separately by Riverside Public Utilities and SCE. As lead agency, the City of Riverside (Riverside) prepared an EIR for the project and, on February 5, 2013, certified the EIR and approved the portion of the project under its jurisdiction.

Before and after Riverside certified the EIR, the City of Jurupa Valley (Jurupa Valley) approved residential and commercial developments within the

proposed alignment for SCE's portion of RTRP. As a result, in September 2016, SCE revised its proposed transmission line route to avoid these projects. These revisions posed potentially new or increased impacts that were not addressed in the 2013 EIR. Accordingly, the Commission's Energy Division prepared a subsequent environmental impact report (SEIR) to address the impacts of the revised portion of the project (revised project). The SEIR issued on October 2, 2018.

A prehearing conference was held on November 13, 2018, and the assigned Commissioner's scoping memo issued on December 20, 2018.

Evidentiary hearing was held on September 4, 5 and 6, 2019. SCE, Riverside, the California Independent System Operator (CAISO), Sky Country Investment Co./East, LLC (Sky Country), Lesso Mall Development Jurupa Valley Limited (Lesso), Jurupa Valley, and the Public Advocates Office filed opening briefs on September 27, 2019, and reply briefs on October 18, 2019, upon which the matter was submitted.

## **2. Issues to be Determined**

Pursuant to the assigned Commissioner's scoping memo, the issues to be determined are:

1. What are the significant environmental impacts of the proposed project? This issue encompasses consideration of recreational and park areas, historical and aesthetic values, and influence on the environment pursuant to Pub. Util. Code § 1002(a)(2-4).
2. Are there potentially feasible mitigation measures that will eliminate or lessen the significant environmental impacts?
3. As between the proposed project and the project alternatives, which is environmentally superior?
4. Did the Commission review and consider the SEIR prior to approving the project or a project alternative, and was the

SEIR completed in compliance with CEQA and reflect the Commission's independent judgment?

5. Are the mitigation measures or project alternatives infeasible? This issue encompasses consideration of community values pursuant to Pub. Util. Code § 1002(a)(1).
6. To the extent that the proposed project and/or project alternatives results in significant and unavoidable impacts, are there overriding considerations that nevertheless merit Commission approval of the proposed project or project alternative?
7. Does the proposed project serve a present or future public convenience and necessity? This issue directly overlaps issue 6, above.
8. What is the maximum prudent and reasonable cost of the project? (*See* Pub. Util. Code § 1005.5.)
9. Does the project design comply with the Commission's policies governing the mitigation of electric and magnetic field (EMF) effects using low-cost and no-cost measures?

### **3. Project Description**

The elements of the RTRP that would be owned and operated by SCE and for which SCE seeks authority to construct include a new 230 kilovolt (kV) "Wildlife Substation" and associated facilities, approximately 10 miles of 230-kV transmission line connecting the Wildlife Substation to the existing Mira Loma Substation, and new telecommunications facilities between the existing Mira Loma and Vista Substations and the proposed Wildlife Substation.

The Wildlife Substation would be located at the northern city limit of the City of Riverside near the intersection of Van Buren Boulevard and the Santa Ana River. The transmission line route would proceed west for approximately six miles along the Santa Ana River corridor toward Interstate 15 and then turn north for approximately four miles to the existing Mira Loma - Vista #1 230-kV transmission line in the northwestern corner of the

City of Jurupa Valley near the intersection of Interstate 15 and Highway 60. The transmission line would proceed west from the Wildlife Substation within the Santa Ana River corridor toward Interstate 15 and then north alongside Interstate 15 to the Mira Loma - Vista #1 transmission line.

As originally proposed and reviewed in the EIR, the entirety of the transmission line would be installed above ground. The revised project would underground approximately 2 miles of the transmission line within the City of Jurupa Valley, consisting of the last westerly mile through the first northerly mile. In addition, the revised project would relocate the northernmost half-mile of the transmission line from the east side of Wineville Avenue to the west side, and would relocate an existing distribution line underground at two locations for a total distance of 2,800 feet and install a distribution riser pole at either end of each distribution line relocation. The revised project would also add one new marshalling yard that would be used throughout construction of the entire RTRP.

#### **4. Environmental Impacts**

The revised project would have significant impacts on aesthetics, agriculture and forestry resources, air quality and greenhouse gases, biological resources, cultural, tribal and paleontological resources, hazards and hazardous materials, noise, public services and utilities, recreation, and transportation and traffic, and a significant cumulative contribution to cumulative hydrology and water quality impacts. While impacts to air quality and greenhouse gases, biological resources, cultural, tribal and paleontological resources, hazards and hazardous materials, hydrology and water quality, public services and utilities and recreation can be mitigated to a less-than-significant level with the mitigation measures identified in the Mitigation Monitoring and Reporting Plan

(MMRP) contained in the EIR and SEIR, the revised project's impacts on aesthetics, agricultural and forestry resources, noise and transportation and traffic, and its contribution to cumulative hydrology and water quality impacts would remain significant and unavoidable.

With respect to aesthetics, the 230 kV transmission line and the introduction of riser poles would significantly affect scenic vistas occurring along the Santa Ana River corridor including the Santa Ana River National Recreation Trail, portions of the Santa Ana River Regional Park, and the Hidden Valley Wildlife Area; in several residential neighborhoods in the City of Riverside; and from local roadways, parks, and recreational areas within the City of Jurupa Valley.

With respect to agricultural and forestry resources, the presence of overhead 230 kV transmission line poles and towers would permanently convert prime farmland, unique farmland and farmland of statewide importance to non-agricultural uses.

With respect to noise, construction of the underground transmission line vaults and duct banks would substantially temporarily or periodically increase ambient noise levels in the vicinity.

With respect to traffic, temporary road and lane closures during construction would substantially conflict with the City of Jurupa Valley's and the City of Riverside's traffic management plans by reducing the level of service.

With respect to hydrology and water quality, construction and operation of the revised project would incrementally increase runoff, sedimentation, and pollutant concentrations that, when combined with past, present and future projects, could contribute to water quality impacts for the watershed.



## **5. Revised Project Alternatives**

The SEIR evaluated four alternatives to the revised portion of the project that would meet the project objectives, as well as the No Project Alternative as required by CEQA.<sup>1</sup>

### **5.1 Alternative 1**

The Bellegrave-Pats Ranch Road Underground Alternative (Alternative 1) would begin and transition to underground immediately adjacent to the tie-in to the Mira Loma-Vista #1 230 kV transmission line and travel south within Wineville Avenue for approximately 0.7 miles, then west within Bellegrave Avenue for approximately 0.2 miles, and then south within Pats Ranch Road for approximately 1.2 miles to the intersection of Pats Ranch Road and Limonite Avenue, at which point it would follow the same underground alignment as the revised project.

Alternative 1 would reduce, but not eliminate, the impact on visual quality as the riser poles in the Goose Creek Golf Course and overhead 230 kV transmission line south of the Santa Ana River would still degrade the scenic quality of views from parks and recreational areas within Jurupa Valley as well as throughout the Santa Ana River corridor. It would avoid any impact to agricultural and forestry resources, but it would increase the significant and unavoidable impacts to noise and traffic during construction, relative to the revised project. Significant contributions to cumulative hydrology and water quality impacts would remain unchanged.

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<sup>1</sup> CEQA Guidelines Section 15126.6(e)(3)(B).

## **5.2 Alternative 2**

The Wineville-Limonite Underground Alternative (Alternative 2) would likewise begin and transition to underground immediately adjacent to the tie-in to the Mira Loma-Vista #1 230 kV transmission line, but would travel south within Wineville Avenue for approximately two miles, at which point it would turn west within Limonite Avenue for approximately 1,000 feet before turning south within Pats Ranch Road to follow the same underground alignment as the revised project.

As with Alternative 1, Alternative 2 would reduce, but not eliminate, the impact on visual quality and avoid any impact to agricultural and forestry resources and would increase the significant and unavoidable impacts to noise and traffic during construction, relative to the revised project.

## **5.3 Alternative 3**

Alternative 3 would relocate the northern riser poles adjacent to and north of Limonite Avenue approximately 0.25 miles north-northwest to a location adjacent to Interstate 15, but otherwise follow the same alignment as the revised project.

Alternative 3 would reduce, but not avoid, the impact on visual quality. Other impacts would be similar to those of the revised project.

## **5.4 Alternative 4**

The Wineville-Landon Underground Alternative (Alternative 4) would begin and transition to underground immediately adjacent to the tie-in to the Mira Loma-Vista #1 230 kV transmission line and travel south within Wineville Avenue for approximately 0.4 miles, at which point it would turn west to continue underground within Landon Drive for approximately 0.4 mile. At

the end of Landon Drive, the line would transition to an overhead position and follow the same overhead and underground alignment as the revised project.

As with Alternative 3, Alternative 4 would reduce, but not avoid, the impact on visual quality and other impacts would be similar to those of the revised project.

### **5.5 No Project Alternative**

Under the No Project Alternative, the RTRP would not be constructed and none of the project objectives would be met. In the absence of the RTRP, it is likely that the Riverside Public Utility would opt to increase gas-fired generation and install battery storage to mitigate the system impact from potential failure of its transformers at Vista Substation or from failure of its interconnection to Vista Substation. This would result in a significant and unavoidable impacts to air quality as compared to any other project alternative. It would not result in any other impacts.

## **6. Environmentally Superior Alternative**

Alternative 1 is the environmentally superior alternative. As with Alternative 2, Alternative 1 would reduce the RTRP's impacts on aesthetics and agricultural and forestry resources. It would also have fewer significant and unavoidable short-term construction-related impacts than Alternative 2.

## **7. Certification of SEIR**

Pursuant to CEQA Guidelines § 15090(a), prior to approving a project the lead agency shall certify that the EIR has been completed in compliance with CEQA, that the decision-making body reviewed and considered the information contained in the EIR prior to approving the project, and that the EIR reflects the lead agency's independent judgment and analysis.

The Commission's Energy Division issued and distributed an initial Notice of Preparation of an SEIR on January 25, 2017 and conducted a noticed public scoping meeting in Jurupa Valley on February 8, 2017. Two hundred and forty-five persons attended the meeting, at which 41 persons provided oral comment. Three hundred and eleven written comments were also provided during the comment period, which ended on February 24, 2017.

In view of the passage of over 10 years since the RTRP was originally proposed and the five-fold increase in SCE's estimated project cost to \$234.5 million since that time, the Energy Division undertook to explore potential lower voltage project design alternatives that might feasibly meet the project's capacity and reliability objectives in a less environmentally adverse or costly manner than the proposed project. In order to facilitate Energy Division's undertaking, the Administrative Law Judge (ALJ) directed SCE and Riverside to meet and confer with the CAISO to explore lower voltage designs or other interim design remedies to the proposed project and to jointly report back to Energy Division on their findings.<sup>2</sup> The parties filed the report on January 12, 2018.

Energy Division issued the draft SEIR and distributed notices of its availability on April 2, 2018. The draft SEIR screened 30 project alternatives including 17 alternatives that might avoid the addition of a high-voltage transmission line and eliminated all but four alternatives for failing to meet the basic project objectives and feasibility criteria.

Energy Division conducted noticed public workshops in Jurupa Valley on April 24 and 25, 2018. One hundred and sixty-seven persons attended the

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<sup>2</sup> ALJ ruling, August 15, 2017.

workshops, at which 51 persons provided written comment. In addition, Energy Division received 278 comment letters during the comment period.

The SEIR documents and responds to all written and oral comments made on the draft SEIR, as required by CEQA. As also required by CEQA, the SEIR examines the environmental impacts of the proposed projects and alternatives, including the No Project Alternative; it identifies their significant environmental impacts and the mitigation measures that will avoid or substantially lessen them, where feasible; and it identifies the environmentally superior alternative.

No party challenges the findings made in the SEIR or that it was prepared in compliance with CEQA.

We have reviewed and considered the information contained in the SEIR. We find that substantial evidence supports the SEIR's findings, and we certify that the EIR was completed in compliance with CEQA, that we have reviewed and considered the information contained in it, and that it reflects our independent judgment.

## **8. Infeasibility of Environmentally Superior Alternative**

CEQA provides that a permitting agency may not approve the project unless it requires all mitigation measures identified in the EIR, unless it finds them to be infeasible.<sup>3</sup> SCE challenges the feasibility of Alternative 1 (and similarly Alternatives 2 through 4), and Jurupa Valley challenges the feasibility of the revised project.

### **8.1 SCE's Infeasibility Claims**

SCE asserts that the environmentally superior Alternative 1 will cost \$521 million, which is \$113 million more than the already substantial cost of

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<sup>3</sup> CEQA Guidelines § 15091(a)(3).

\$408 million for the revised proposed project. SCE argues that this incremental cost renders Alternative 1 infeasible because it accomplishes the same project objectives as the revised project but at substantially higher cost and ratepayer expense, which is inconsistent with Commission policy that promotes affordable electrical utility service.<sup>4</sup> SCE notes that Alternative 1 only reduces impacts to aesthetics and agricultural resources; that the revised project's overhead alignment within Jurupa Valley primarily runs through currently undeveloped parcels along Interstate 15, a major six-lane divided highway; that the impact to agricultural resources might occur in any event if the property is developed in the future; and that the undergrounding is actively sought by private landowners and developers to maximize the value of their real estate portfolios. SCE argues, in light of these contextual and environmental facts, the Commission should not deviate from its policy promoting affordable electrical utility service.<sup>5</sup>

Regardless of the merits of SCE's cost estimates,<sup>6</sup> we reject this argument. As a general matter of course, all environmental mitigation measures have a cost. CEQA codifies a statewide policy that essentially deems the cost of environmental mitigation to be as reasonable and necessary as the cost of any

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<sup>4</sup> Public Advocates Office supports SCE's argument that the undergrounding alternatives are infeasible based on the Commission's policies on electric affordability. Public Advocates Office invokes the broad opposition to the Commission's approval, in Decision (D.) 15-12-053, of the City of Chino Hill's petition to modify D.09-12-044 approving the Tehachapi Renewable Transmission Project to underground the City's portion of the transmission line. (Public Advocates Office opening brief, at 14-17.) Regardless of the merits of that decision, the underlying facts are eminently distinguishable: Here, unlike in the Tehachapi matter, the EIR has identified the undergrounding alternative as the environmentally superior alternative.

<sup>5</sup> SCE presents similar cost estimates for Alternatives 2, 3 and 4, and extends this argument to those alternatives as well.

<sup>6</sup> Sky Development and Lesso challenge SCE's cost estimates and assert that the revised proposed project will cost \$452 million as compared to only \$439 million for Alternative 1. We address this debate in Section 9, below.

other project component (unless the mitigation is economically infeasible). The Commission's policy in favor of affordable electrical utility service does not render it economically infeasible to comply with CEQA.<sup>7</sup>

With respect to the asserted contextual and environmental facts, SCE offers no authority for its suggestion that the number or type of environmental impacts has any bearing on whether a mitigation measure or alternative is infeasible; to our understanding, CEQA holds all impact categories in equal regard. Furthermore, as to SCE's implicit suggestion that the overhead alignment's location along Interstate 15 lessens the significance of its environmental impact, we have certified the SEIR as reflecting our best judgment and do not reject its determination that the revised project's impact on visual resources is significant. Finally, we know of no legal authority and SCE offers none that would allow us to find a mitigation measure or alternative to be infeasible on the basis that it serves the financial interests of private landowners and developers.

SCE also argues that the environmentally superior undergrounding alternatives are infeasible because they incur the "known risk" that Jurupa Valley might compel the relocation of underground project facilities which could result in untold costs. Jurupa Valley counters that, under their franchise agreement, SCE does not have to pay for rights-of-way acquisition costs for undergrounding and that SCE does not require a superior easement to prevent Jurupa Valley from requiring the relocation of any underground transmission lines at SCE's expense because there is no conflict between undergrounding the

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<sup>7</sup> We note that the incremental cost of undergrounding may, under some circumstances, be so disproportional to the environmental impact that it seeks to mitigate as to render it economically feasible. (*Compare* CEQA Guideline § 15126.4.) Nevertheless, SCE does not challenge the undergrounding alternatives for being economically infeasible (*see* SCE opening brief at 96) and, under the facts of this case, nor do we.

RTRP and any other existing or proposed underground facilities that would require the need for relocation in the first instance.

Nevertheless, Jurupa Valley does not assure us that it will never in the future propose underground facilities or other contingencies that would require the need to relocate the RTRP. We agree with SCE that the risk that Jurupa Valley might compel relocation of underground project facilities or exact a premium to grant SCE a superior easement protecting it against such risk warrants a finding that Alternative 1 (and the other undergrounding alternatives) are infeasible as a matter of policy and equity. The undergrounding alternatives were identified for the targeted purpose of mitigating visual impacts on Jurupa Valley's residential streets and Goose Creek Golf Club.<sup>8</sup> It would be patently inequitable to burden ratepayers with the cost of mitigating these impacts to Jurupa Valley only to have Jurupa Valley compel relocation or extract additional compensation in order for SCE to avoid that risk. However, Alternative 1 would not be infeasible if that risk is removed by Jurupa Valley granting SCE a superior easement that protects SCE against the risk that Jurupa Valley might compel the relocation of underground project facilities in consideration of the benefit that Alternative 1 would provide to Jurupa Valley.

## **8.2 Jurupa Valley's Infeasibility Claims**

Jurupa Valley presents several arguments asserting that the revised project is infeasible. We review these arguments because of the potential event that the environmentally superior Alternative 1 is rendered infeasible if Jurupa Valley does not grant SCE a superior easement, as discussed above.

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<sup>8</sup> See SEIR Section 4.1.



Jurupa Valley argues that the revised project is infeasible as a matter of environmental and social justice because the overhead facilities would be placed in and harm an area of Jurupa Valley that is a designated “Disadvantaged Community” under Senate Bill 535.<sup>9</sup> Jurupa Valley argues that the overhead facilities will subject the Disadvantaged Community to disproportionate environmental, economic and social burdens.

As Jurupa Valley points out, Gov. Code § 65040.12(e) defines environmental justice to mean “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies,” and the Attorney General’s Office further explains that “[f]airness in this context means that the benefits of a healthy environment should be available to everyone, and the burdens of pollution should not be focused on sensitive populations or on communities that already are experiencing its adverse effects.” There is no evidence that the revised project or its overhead facilities placement are unfairly designed to be focused on Jurupa Valley’s or any other Disadvantaged Community. SCE and Riverside in their January 12, 2018, joint alternatives report, the EIR and the SEIR diligently analyzed potential line route alternatives

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<sup>9</sup> Senate Bill 535 (2012, de Leon) adds, among other things, Section 39711 to the Health and Safety Code to read:

“The California Environmental Protection Agency shall identify disadvantaged communities for investment opportunities related to this chapter. These communities shall be identified based on geographic, socioeconomic, public health, and environmental hazard criteria, and may include, but are not limited to, either of the following:

- (a) Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
- (b) Areas with concentrations of people that are of low income, high unemployment, low levels of homeownership, high rent burden, sensitive populations, or low levels of educational attainment.”

and consistently confirmed that the selected route is likely to pose fewer impacts than dozens of other routing concepts. Approximately five miles of the revised project's overhead transmission line would be in other jurisdictions including undeveloped lands in Riverside itself and, conversely, some of the underground transmission facilities would be located within a census tract with poverty scores and other low-income indicators that are more severe than those where the route would be overhead adjacent to Interstate 15. Jurupa Valley's charge that the revised project violates environmental and social justice principles is without merit.

Jurupa Valley argues that the revised project is infeasible because the environmental impact of its overhead facilities will financially harm Jurupa Valley and its residents by removing over 830 jobs, damaging development opportunities along Interstate 15, deterring people from living, working and developing businesses in Jurupa Valley and depriving it of needed tax revenue to provide essential public services. Jurupa Valley argues that this financial harm would be socially and economically unjust to its disadvantaged residents. To the contrary, the route along Interstate 15 is currently vacant and, while the revised proposed project would make some property unavailable, the vast majority would remain open for development consistent with existing land use regulations. Furthermore, SCE presents compelling evidence of numerous examples of commercial, industrial and mixed-use developments near overhead transmission lines. The record does not support a finding that the revised project's financial impact on Jurupa Valley renders it infeasible under CEQA.

Jurupa Valley argues that the revised project is infeasible because it undermines the goals and policies of the Commission's Environmental and Social Justice Plan (ESJAP) by unfairly apportioning its adverse permanent

impacts on Jurupa Valley's Disadvantaged Communities and Environmental and Social Justice Communities. Specifically, Jurupa Valley argues that the revised project contradicts Goal 1, "Consistently integrate equity and access considerations throughout CPUC regulatory activities." To the contrary and as documented in the FEIR and SEIR, Riverside's and the Commission's CEQA review processes have furthered this goal by being open and inclusive to all potentially impacted communities consistent with the goal's objectives that the Commission consider the regulatory activity's impact on ESJ Communities and enhance communication channels so that equity issues are integrated into our efforts.

Jurupa Valley likewise argues that the revised project contradicts Goal 2, "Increase investment in clean energy resources to benefit ESJ communities, especially to improve local air quality and public health." To the contrary, the RTRP does not implicate the allocation of clean energy resource investment and is consistent with the goal's objective of prioritizing environmental and health benefits for ESJ communities because it would provide an interconnection to SCE's grid and clean, renewable generation sources and thereby reduce Riverside's reliance on its internal gas-fired generation with its attendant pollutants in the area.

Jurupa Valley likewise argues that the revised project contradicts Goal 6, "enhance enforcement to ensure safety and consumer protection for all, especially for ESJ communities." Jurupa Valley does not articulate any way in which the revised proposed project implicates or contradicts this goal, and none is apparent.

Jurupa Valley likewise argues that the revised project contradicts Goal 7, "Promote economic and workforce development opportunities in ESJ

communities.” As discussed previously, the record does not support a finding that the revised project would materially impact the potential for development and associated jobs along Interstate 15.

Jurupa Valley argues that the revised project is infeasible because its overhead facilities will create severe fire hazards. To the contrary, the EIR and the SEIR both conclude that fire-related impacts from the RTRP would be less than significant. As discussed previously, no party challenges the findings made in the SEIR or that it was prepared in compliance with CEQA.

Finally, Jurupa Valley argues that the revised project is infeasible because it is inconsistent with Jurupa Valley’s community values including economic and fiscal health, environmental justice, open space and visual quality, a small-town feel, and active outdoor life, and “being a Community of Communities that emphasizes the positive qualities that make Jurupa Valley’s communities unique and enhances Jurupa Valley’s ‘gateways’ to welcome residents and visitors.”<sup>10</sup> As discussed above, the record does not support a finding that the revised project would materially impact Jurupa Valley’s economic and fiscal health or conflict with environmental justice. We consider the revised proposed project’s unavoidable visual impacts that would interfere with Jurupa Valley’s community values of having unobstructed open space, a small-town feel and welcoming to its residents and visitors by weighing them against project need and other overriding considerations, below.

## **9. Overriding Considerations and Public Convenience and Necessity**

CEQA provides that a permitting agency may not approve a project that has unmitigable environmental impacts unless it determines that there are

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<sup>10</sup> Jurupa Valley opening brief, at 40.

overriding considerations that merit project approval despite those unmitigable environmental impacts.<sup>11</sup> Here, the need to provide Riverside with a second source line that includes enough capacity to accommodate Riverside's existing and projected load needs and that provides reliability in the event existing facilities serving Riverside are rendered inoperable, as well as the project benefits of making the Riverside Energy Resource Center generation units available for California Independent System Operator (CAISO) market dispatch to support system reliability, flexibility and efficiency and reducing the need for non-consequential load shedding within Riverside, are overriding considerations that serve the public convenience and necessity and outweigh the project's unavoidable impacts on aesthetics, agricultural and forestry resources, noise and transportation and traffic, and its significant contribution to cumulative hydrology and water quality impacts.

Riverside is served by 69 kV subtransmission lines from Vista Substation, which is its single point of interconnection to the CAISO-controlled grid. No other similarly sized load-serving entity has a single point of interconnection at this low voltage level of service.<sup>12</sup> The transformers serving Riverside have a nameplate capacity of 560 megawatt (MW). Riverside's system peak load has exceeded that capacity under normal operating conditions every year since 2006, except for 2008 during the economic recession, and Riverside's forecast shows that its system peak load will continue to increase over the next 20 years.

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<sup>11</sup> CEQA Guidelines § 15093.

<sup>12</sup> Of the 56 load-serving entities in California, 11 (including Riverside) have between 200 MW and 3,000 MW of peak load demand. Of these, only Riverside, Anaheim Public Utilities (APU) and Pasadena Water and Power (PWP) have a single interconnection point. Unlike Riverside, APU and PWP are served at the 230 kV transmission level.

Riverside has already experienced significant outages of the Vista Substation C bus in 2005 and 2007.

SCE's Wholesale Distribution Access Tariff requires it to plan, construct, operate and maintain its distribution system to meet the projected load needs of its wholesale customers at a level of service comparable to that which SCE provides to meet its own customers' requirements. SCE's Transmission Owner tariff, the Transmission Control Agreement between SCE and CAISO, and CAISO's Open Access Transmission Tariff require SCE to interconnect its system to the wholesale load of third parties in a non-discriminatory manner. The RTRP accomplishes these requirements.

Public Advocates Office argues that the Commission should rely on the California Energy Commission's (CEC) Integrated Energy Policy Report (IEPR) demand forecast for 2018 through 2030, which predicts that Riverside will encounter an average annual decrease of 0.33 percent in its system peak load. To the contrary, the CEC forecast is inappropriate for purposes of planning for Riverside's needs. The CEC forecast predicts the local area's coincident demand at the time of the system-wide peak. However, when planning for a radially configured local area like Riverside, the relevant inquiry is into the local area's non-coincident peak demand.<sup>13</sup>

Public Advocates Office asserts that there is only a 2 percent difference between the time of Riverside's peak demand and SCE's peak demand at Vista Substation and argues that it is *de minimis* and should not invalidate the use of the CEC forecast for this purpose. This comparison is unreliable because Vista Substation serves not only Riverside, but also SCE retail customers and the City

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<sup>13</sup> See, e.g., D.18-08-026 at 29-30.

of Colton. It does not overcome the evidence that Riverside's actual non-coincident peak has been consistently higher than the coincident peak and, over the past four years, the CEC's IEPR forecasts have under-predicted Riverside peak demand by anywhere from 59 MW to 102 MW.<sup>14</sup>

Public Advocates Office argues that Riverside's forecast is unreliable because it is crudely based on past growth trends. To the contrary, Riverside's forecast is based on a rigorous methodology statistically calibrated to 15 years of monthly non-coincident system peaks using, as input variables, local area per-capita personal income metrics for the Riverside-San Bernardino-Ontario Metropolitan Service Area, measured monthly weather effects, seasonal parameters before and after distribution system upgrades were made, transient industrial load gains and losses in the 2011-2014 time period and the combined impacts of avoided energy efficiency (EE) and photovoltaic (PV) - distributed generation (DG) loads and incremental electric vehicle (EV) loads on its system peaks. Furthermore, CEC staff reviewed Riverside's load forecast and found it to be reasonable for purposes of long-term planning, and the CEC affirmed the staff's findings when it approved Riverside's 2018 Integrated Resource Plan.

Public Advocates Office argues that Riverside's forecast is unreliable because it fails to incorporate additionally achievable energy efficiency requirements, specifically the California Code of Regulations, Title 24 Residential Building Standards requiring PV systems for all new homes. To the contrary, it

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<sup>14</sup> Riverside asks that we take official notice of an August 28, 2019, e-mail exchange between Mr. Cary Garcia of the CEC and Dr. Scott Lesch of Riverside in which Mr. Garcia states that the coincidence factor that the CEC used for Riverside in the 2019 Mid-load, No AAEE baseline forecasts is 0.943. (Riverside reply brief, at 12 and fn. 50.) The request is denied because neither the email nor the fact stated in it is a matter that must or may be judicially noticed under Evidence Code 451 or 452.

is not reasonable to expect these standards to materially reduce load because Riverside has not experienced any significant new housing development for nearly 10 years due to a lack of vacant parcels suitable for large developments.

Citing at A-54 of Exhibit RIV-1, Appendix A (“Riverside Load Forecasting Methodology/Models/ Assumptions”), Public Advocates Office argues that Riverside’s forecast is unreliable because it over-projects the impact of EV charging by assuming that EV load growth will offset load reductions from PV and EE.<sup>15</sup> Riverside counters that the statement to which Public Advocates Office cites simply means that all forecasted net peak impacts are added together as a single input variable before being incorporated into the forecasting equation.<sup>16</sup> Taken together with the sentence that follows it, this statement might be read either way.<sup>17</sup> That said, in reviewing the complete discussion in the document regarding Riverside’s methodology for estimating the impacts of EE, PV and EV,<sup>18</sup> and taken together with the CEC’s approval of Riverside’s 2018 Integrated Resource Plan, we are not persuaded by Public Advocates Office’s interpretation or argument.

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<sup>15</sup> Public Advocates Office opening brief at 14.

<sup>16</sup> Riverside reply brief at 9-10. Riverside also argues that Public Advocates Office’s argument is false and misleading in violation of Rule 1.1 because Riverside provided discovery to Public Advocates Office showing that, in August 2030, Riverside’s peak load forecasting subtracts off 105.9 MW of load due to increased PV and EE load and adds back just 1.6 MW of load due to EV. (*Id.*)

<sup>17</sup> Ex. RIV-1, A-57. (“Note that for forecasting purposes, these incremental EV loads (above the 2015 baseline level) are treated as net load additions that effectively offset future EE and DG.PV (solar) load losses. Additionally, we assume that 75% of these net load gains will show up in our Residential customer class, with the remaining 25% spread evenly across our Commercial and Industrial classes.” Emphasis added; the emphasized phrase might be read as referring to EV load gains net of EE and PV load losses, or it might be read as referring to EV load gains above the 2015 levels.)

<sup>18</sup> See Ex. RIV-1, A-52 through A-57.



Public Advocates Office argues that Riverside does not require additional delivery capacity because it has 228 MVA of generation capacity that, taken together with Vista Substation's 557 MVA, affords Riverside a total capacity of 785 MVA (and a total capacity of 737 MVA if its largest generation unit of 48 MVA is out of service), which is more than necessary to service its load for the foreseeable future. This assertion ignores the record evidence that Riverside's internal generation does not meet SCE's local planning criterion that local dispatchable generation has been on-line for at least 90 percent of the time during the local area's summer peak hours. Riverside's internal generation does not meet that benchmark because, among other things, it is peaking, natural gas-fired generation that is not designed or available to operate for an extended number of hours, it operates within the constraints of air permit requirements, and it has experienced maintenance outages and communication failures. The availability of these resources to meet Riverside's peak load is further limited because they are often called upon to meet broader CAISO system needs.

Public Advocates Office argues that, given the escalating weight of SCE's Transmission Revenue Requirement (TRR) to which RTRP would add about \$65 million per year in revenue to be collected from ratepayers, most of whom are outside of Riverside's service area, the Commission should reject this application until Riverside demonstrates that it has investigated all technically feasible and environmentally compliant internal resource solutions. In particular, Public Advocates Office argues that reliability benefits similar to those provided by the RTRP could be achieved by system-based approaches including (1) transferring some of Riverside's load to SCE's San Bernardino system during a contingency event, (2) splitting some of the load within individual Riverside substations to increase the amount that could be transferred up to the thermal

limit, (3) paralleling three transformer banks at Vista Substation to offset an N-1 loss of one transformer and installing series reactors to offset short circuit duty issues, and (4) combining parallel transformer banks at Vista Substation with transferring some of Riverside's load to the San Bernardino system. To the contrary, SCE and Riverside presented overwhelming and persuasive evidence that these alternatives are infeasible, unsafe or fail to meet system needs.

Furthermore, as discussed above in Section 7, the SEIR assessed 30 project alternatives including 17 alternatives that might avoid the addition of a high-voltage transmission line by using various combinations of the elements contained in Public Advocates Office's low-voltage proposals. The SEIR eliminated those low-voltage alternatives for failing to meet the basic projects objectives and feasibility criteria. In any event, Public Advocates Office was on notice that the time and place to participate on the matter of project alternatives was through the CEQA review process that would culminate in the SEIR.<sup>19</sup> Indeed, Public Advocates Office (formerly the Office of Ratepayer Advocates) provided comments on the draft SEIR offering two proposed alternatives: (1) modifying Alternative 26, which the draft SEIR had eliminated from full evaluation, in a manner that Public Advocates Office asserted would allow it to meet feasibility criteria and (2) a bulk transmission alternative that would entail the construction of a new 500 kV substation.<sup>20</sup> The SEIR includes and responds to Public Advocates Office's comments and explains why its proposals are not

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<sup>19</sup> ALJ ruling, June 10, 2015.

<sup>20</sup> SEIR, Volume II, M-3.2-13 to M-3.2-18.

feasible.<sup>21</sup> Public Advocates Office does not challenge certification of the SEIR and its new proposals are untimely.

#### **10. Maximum Cost**

Pub. Util. Code § 1005.5(a) requires that, whenever the Commission issues a certificate authorizing an electrical or gas corporation to construct plant estimated to cost greater than \$50 million, it specifies a maximum cost determined to be reasonable and prudent for the facility. SCE presents substantial evidence that the revised project will cost up to \$408 million (2018 constant dollars) including a 15 percent contingency and Alternative 1 will cost up to \$521 million (2018 constant dollars) including contingencies. We adopt them as the maximum reasonable and prudent cost of the respective projects for purposes of Section 1005.5(a).

By specifying these maximum costs, the Commission does not waive our authority to review or challenge actual costs incurred for reasonableness and prudence at the Federal Energy Regulatory Commission (FERC). In furtherance of our interest in exercising this authority, we direct SCE to submit, pursuant to GO 96-B, quarterly information-only submittals to Energy Division reporting on the status of project development and spending.

In addition, we remind SCE that it is required pursuant to Section 1005.5(b) to apply to the Commission for a determination of the reasonableness of any costs in excess of the adopted maximum cost. We direct SCE to notify Energy Division if and when it reasonably anticipates that the project costs will exceed the maximum cost and, within three months thereafter, to apply to the Commission for a determination of the reasonableness of such excess costs.

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<sup>21</sup> SEIR, Volume II, M-3.2-19 to M-3.2-20.

Sky Country, joined by Lesso, argues that SCE grossly underestimates the cost of the real estate necessary to complete the overhead alignment north of Limonite Avenue for the revised project and, to different degrees, overestimates both the revised project's and Alternative 1's costs of undergrounding. With Sky Country's adjustments, the revised project's maximum cost would be \$452.29 million as compared to \$438.5 million for Alternative 1.

As an initial matter, we recognize that Sky Country, joined by Lesso, seeks to show that Alternative 1 is less costly than the revised proposed project in order to counter SCE's argument that Alternative 1 is infeasible as a matter of Commission policy that promotes affordable electrical utility service. Sky Country and Lesso are developers and real estate owners who have a keen interest in the undergrounding alternative as it would maximize the value of their real estate portfolios. In contrast, SCE has no discernible reason to underestimate the cost of the revised proposed project or, for that matter, overestimate the cost of Alternative 1.<sup>22</sup> We weigh the evidence with these factors in mind.

With respect to the revised project's real estate costs, SCE's approach was to develop a presumed cost per acre using a blended average dollar amount of local land sales between 2015 and 2018 for residential, industrial, and commercial land in the vicinity of the RTRP. Sky Country and Lesso argue that this approach is inadequate because SCE will need to condemn the property necessary to complete the overhead alignment north of Limonite Avenue using eminent domain, which is governed by strict legal standards that will result in

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<sup>22</sup> To the extent that SCE might benefit from increasing its plant, it would be in SCE's interest to support Alternative 1, which it does not.

dramatically higher property valuation. Sky Country and Lesso point out that they are among the developers whose property would be taken for the revised proposed project and that they adamantly oppose it. SCE argues that the need for condemnation is speculative at this juncture and that, in any event, the high value that Sky Country and Lesso place on their properties' developmental potential is contradicted by its history of having benefitted from favorable zoning for decades and a willing lead agency since at least 2011 and yet remaining vacant and unimproved. Given these circumstances, we agree with SCE's approach and estimated real estate costs for the revised project.

With respect to the costs of undergrounding, Sky Country argues that SCE's reliance on the cost of the underground segment of its 500kV Tehachapi Renewable Transmission Project (TRTP) as the basis for its cost estimates for the RTRP is excessive and inappropriate because the costs are outdated and because the TRTP was groundbreaking and more complex than the RTRP.<sup>23</sup> To the contrary, the evidence shows that SCE adjusted the TRTP costs to appropriately account for material differences between the two projects' circumstances; as a result, SCE's estimated per-circuit mile construction cost for the underground sections of Alternative 1 (\$51.8 million) and the revised proposed project (\$65.9 million) are both considerably less than for the underground sections of the TRTP (\$98.3 million). On balance, we find SCE's estimates of project costs to be credible, reasonable and prudent.

In any event, our adoption of these maximum costs does not grant SCE free license to incur them. As stated previously, we intend to exercise our

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<sup>23</sup> Sky Country and Lesso also argue without evidence that SCE might be inappropriately double-counting or triple-counting estimated costs associated with known risks. This argument is speculative and we reject it.

authority to review actual costs incurred for reasonableness and prudence and to challenge them as appropriate at FERC.

Finally, Public Advocates Office argues that the costs of the RTRP should be borne entirely by Riverside. We reject this argument because the issue of allocation of RTRP costs is outside the scope of this proceeding and outside the Commission's jurisdiction pursuant to Pub. Util. Code § 9600(a)(2)(a).

### **11. Compliance with EMF Policies**

The Commission has examined EMF impacts in several previous proceedings.<sup>24</sup> We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131 D, Section X.A, that all applications for authority to construct electric facilities over 50 kV include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the Proposed Project. We developed an interim policy that requires utilities, among other things, to identify the no cost measures undertaken, and the low cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low cost measures is four percent of the total

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<sup>24</sup> See D.06-01-042 and D.93-11-013.

budgeted project cost that results in an EMF reduction of at least 15 percent (as measured at the edge of the utility right of way).

With respect to the RTRP, the project will use double-circuit construction that reduces spacing between circuits compared to single-circuit construction; it will arrange conductors and cables in a manner designed to reduce magnetic fields; it will raise the lowest conductor ground clearance from SCE design standard by 10 feet near residential, commercial/industrial or recreational areas where feasible; and it will place new substation electrical equipment away from the substation property lines closest to populated areas. It is uncontested that this design complies with the Commission's policies regarding incorporating no cost and low cost EMF reduction measures into electric facilities project design.

## **12. Comments on Proposed Decision**

The proposed decision of ALJ Yacknin in this matter was mailed to the parties on January 17, 2020, in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. Comments were filed on February 6, 2020, by SCE, Riverside, the CAISO, Jurupa Valley, Sky Country, Lesso and Public Advocates Office, and reply comments were filed on February 11, 2020, by SCE, Riverside, Jurupa Valley, Sky Country and Lesso.

SCE, Jurupa Valley, Sky Country and Lesso propose modifications to the proposed decision to clarify our intent with respect to the superior easement requirement; SCE also proposes that we adopt a negotiation process with deadlines for compliance with the superior easement requirement in order to ensure that project construction is not unreasonably delayed. We make some clarifying modifications and require the parties to promptly begin negotiations to establish a process that outlines the milestones required for timely compliance.

SCE and Jurupa Valley have both committed to negotiate in good faith to meet the superior easement requirement and we expect them to do so. If the parties reach an impasse or if SCE or Jurupa Valley believes that the other is unreasonably delaying the finalization of the easement, then they may petition to modify this decision in order to reopen the proceeding to resolve the dispute.<sup>25</sup>

SCE requests that we require the information-only status update submittals to Energy Division be made on a bi-annual basis as opposed to quarterly. We decline to make the change.

Public Advocates Office argues for the first time in its comments on the proposed decision that the SEIR fails to comply with CEQA because it does not consider air quality impacts that may result from making the Riverside Energy Resource Center generation units available to the CAISO for market dispatch. We reject this argument for being mere speculation that is refuted by the record and prejudicially late.

Public Advocates Office argues that the proposed decision legally errs in concluding that the issue of allocation of RTRP costs is outside the scope of the proceeding or the Commission's jurisdiction. The argument is without merit.

### **13. Assignment of Proceeding**

Liane M. Randolph is the assigned Commissioner and Hallie Yacknin is the assigned Administrative Law Judge in this proceeding.

### **Findings of Fact**

1. The revised project would have significant impacts on air quality and greenhouse gases, biological resources, cultural, tribal and paleontological resources, hazards and hazardous materials, hydrology and water quality, public

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<sup>25</sup> We remind the parties that they may request the Commission's alternative dispute resolution services once the proceeding is reopened.



services and utilities and recreation can be mitigated to a less-than-significant level with the mitigation measures identified in the MMRP contained in the final EIR and SEIR.

2. The revised project would have significant and unavoidable impacts on aesthetics, agricultural and forestry resources, noise, and transportation and traffic, and a significant contribution to cumulative hydrology and water quality impacts:

- a. The 230 kV transmission line and the introduction of riser poles would significantly affect scenic vistas occurring along the Santa Ana River corridor including the Santa Ana River National Recreation Trail, portions of the Santa Ana River Regional Park, and the Hidden Valley Wildlife Area; in several residential neighborhoods in the City of Riverside; and from local roadways, parks, and recreational areas within the City of Jurupa Valley.
- b. The presence of overhead 230 kV transmission line poles and towers would permanently convert prime farmland, unique farmland and farmland of statewide importance to non-agricultural uses.
- c. Construction of the underground transmission line vaults and duct banks would substantially temporarily or periodically increase ambient noise levels in the vicinity.
- d. Temporary road and lane closures during construction would substantially temporarily conflict with the City of Jurupa Valley's and the City of Riverside's traffic management plans by reducing the level of service.
- e. Construction and operation of the 230 kV transmission line and Wildlife Substation would incrementally increase runoff, sedimentation, and pollutant concentrations that, when combined with past, present, and future projects, could contribute to water quality impacts for the watershed.

3. Alternative 1 would reduce the revised project's aesthetic impacts, avoid its impacts on agricultural and forestry resources, and have fewer short-term construction impacts than Alternative 2.

4. The environmentally superior alternative, other than the No Project Alternative, is Alternative 1.

5. Riverside is served by 69 kV subtransmission lines from Vista Substation, which is its single point of interconnection to the CAISO-controlled grid. No other similarly sized load-serving entity has a single point of interconnection at this low voltage level of service.

6. Riverside's system peak load has exceeded the 560 MW nameplate capacity of the transformers that serve it under normal operating conditions every year since 2006, except for 2008 during the economic recession, and Riverside's system peak load will continue to increase over the next 20 years.

7. The RTRP would meet SCE's obligations under its Wholesale Distribution Access Tariff to plan, construct, operate and maintain its distribution system to meet the projected load needs of its wholesale customers at a level of service comparable to that which SCE provides to meet its own customers' requirements and SCE's obligations under its Transmission Owner tariff, the Transmission Control Agreement between SCE and CAISO, and CAISO's Open Access Transmission Tariff to interconnect its system to the wholesale load of third parties in a non-discriminatory manner.

8. The RTRP would make the Riverside Energy Resource Center generation units available for CAISO market dispatch to support system reliability, flexibility and efficiency and reducing the need for non-consequential load shedding within Riverside.

9. The revised project will cost up to \$408 million including a 15 percent contingency.

10. Alternative 1 will cost up to \$521 million including contingencies.

### **Conclusions of Law**

1. The SEIR was completed in compliance with CEQA, and it reflects the Commission's independent judgment and analysis on all material matters.

2. The Commission's policy in favor of affordable electrical utility service does not render the project alternatives infeasible.

3. Unless the risk that Jurupa Valley might compel relocation of underground project facilities or exact additional compensation to grant SCE a superior easement protecting against such risk is removed in consideration of the benefit that Alternative 1 would provide to Jurupa Valley, the undergrounding project alternatives are infeasible as a matter of policy and equity.

4. The RTRP would serve the public convenience and necessity by providing Riverside with a second source line that includes enough capacity to accommodate Riverside's existing and projected load needs, by providing reliability in the event existing facilities serving Riverside are rendered inoperable, and by making the Riverside Energy Resource Center generation units available for CAISO market dispatch to support system reliability, flexibility and efficiency and reducing the need for non-consequential load shedding within Riverside.

5. The need to provide Riverside with a second source line that includes enough capacity to accommodate Riverside's existing and projected load needs and that provides reliability in the event existing facilities serving Riverside are rendered inoperable, as well as the project benefits of making the Riverside Energy Resource Center generation units available for CAISO market dispatch to

support system reliability, flexibility and efficiency and reducing the need for non-consequential load shedding within Riverside, are overriding considerations that serve the public convenience and necessity and outweigh Alternative 1's unavoidable impacts on aesthetics, noise and transportation and traffic, and its significant contribution to cumulative hydrology and water quality impacts.

6. The need to provide Riverside with a second source line that includes enough capacity to accommodate Riverside's existing and projected load needs and that provides reliability in the event existing facilities serving Riverside are rendered inoperable, as well as the project benefits of making the Riverside Energy Resource Center generation units available for CAISO market dispatch to support system reliability, flexibility and efficiency and reducing the need for non-consequential load shedding within Riverside, are overriding considerations that serve the public convenience and necessity and outweigh the revised proposed project's unavoidable impacts on aesthetics, agricultural and forestry resources, noise and transportation and traffic, and its significant contribution to cumulative hydrology and water quality impacts.

7. SCE's Field Management Plan and Supplemental Field Management Plan comport with the Commission's policies regarding the mitigation of EMF effects.

8. Provided that Jurupa Valley grants SCE a superior easement protecting against the mandatory relocation of underground project facilities in consideration of the undergrounding of those project facilities, SCE should be granted a CPCN to construct the RTRP as Alternative 1, in conformance with the MMRP for Alternative 1 contained in the final EIR and SEIR.

9. If Jurupa Valley does not grant SCE a superior easement protecting against the mandatory relocation of underground project facilities in consideration of the undergrounding of those project facilities, SCE should be granted a permit to

construct the Riverside Transmission Reliability Project as the revised project, with the mitigation identified in the MMRP for the revised proposed project contained in the final EIR and SEIR.

10. The issue of allocation of RTRP costs is outside the scope of this proceeding and outside the Commission's jurisdiction pursuant to Pub. Util. Code § 9600(a)(2)(a).

11. The design of the RTRP complies with the Commission's policies regarding incorporating no cost and low cost EMF reduction measures into electric facilities project design.

12. This decision should be effective today.

13. Application 15-04-013 should be closed.

## **O R D E R**

**IT IS ORDERED** that:

1. The Subsequent Environmental Impact Report for the Riverside Transmission Reliability Project is certified as having been completed in compliance with the California Environmental Quality Act, reviewed and considered by the California Public Utilities Commission (Commission) prior to approving the project, and reflective of the Commission's independent judgment and analysis.

2. Within 30 days of the date of this decision, Southern California Edison Company (SCE) and the City of Jurupa Valley (Jurupa Valley) shall begin good faith negotiations to establish a process that outlines the milestones required for Jurupa Valley to grant SCE a superior easement or other property right protecting against the mandatory relocation of the Riverside Transmission Reliability Project's underground project facilities in consideration of the undergrounding of those facilities.

3. Provided that the City of Jurupa Valley grants Southern California Edison Company (SCE) a superior easement or other property right protecting against the mandatory relocation of underground project facilities in consideration of the undergrounding of those project facilities, SCE is granted a certificate of public convenience and necessity to construct the Riverside Transmission Reliability Project as Alternative 1, with the mitigation identified in the Mitigation Monitoring and Reporting Plan contained in the final environmental impact report and subsequent environmental impact report prepared for the project.

4. If the City of Jurupa Valley does not grant Southern California Edison Company (SCE) a superior easement or other property right protecting against the mandatory relocation of underground project facilities in consideration of the undergrounding of those project facilities, SCE is granted a certificate of public convenience and necessity to construct the Riverside Transmission Reliability Project as the revised proposed project, with the mitigation identified in the Mitigation Monitoring and Reporting Plan contained in the final environmental impact report and subsequent environmental impact report prepared for the project.

5. We adopt a cost cap for the Riverside Transmission Reliability Project of \$408 million if built as proposed by Southern California Edison Company and \$521 million if built as Alternative 1.

6. Southern California Edison Company shall notify the Commission's Energy Division if and when it reasonably anticipates that Riverside Transmission Reliability Project costs will exceed \$408 million if built as proposed by Southern California Edison Company and \$521 million if built as Alternative 1 and, within three months thereafter, to apply to the Commission

for a determination of the reasonableness of such excess costs pursuant to Public Utilities Code § 1005.5(b).

7. Southern California Edison Company (SCE) shall make quarterly information-only submittals to the Commission's Energy Division providing status updates on the Riverside Transmission Reliability Project (RTRP). These status updates shall include, at minimum:

- (a) Comprehensive project development schedule (with data organized by month), including estimated project in-service date;
- (b) Any changes in project scope and schedule, including the reasons for such changes;
- (c) Any engineering difficulties encountered in constructing the project;
- (d) Total estimated project costs;
- (e) Actual spending to date;
- (f) Any and all filings submitted to the Federal Energy Regulatory Commission for ultimate cost recovery through transmission rates; and
- (g) Any additional information SCE believes relevant and necessary to accurately convey the status of the RTRP.

8. Energy Division may approve requests by Southern California Edison Company (SCE) for minor project refinements that may be necessary due to final engineering of the Riverside Transmission Reliability Project so long as such minor project refinements are located within the geographic boundary of the study area of the Environmental Impact Report and Subsequent Environmental Impact Report and do not, without mitigation, result in a new significant impact or a substantial increase in the severity of a previously identified significant impact based on the criteria used in the environmental document; conflict with any mitigation measure or applicable law or policy; or trigger an additional

permit requirement. SCE shall seek any other project refinements by a petition to modify this decision.

9. Application 15-04-013 is closed.

This order is effective today.

Dated March 12, 2020, at Sacramento, California.

MARYBEL BATJER

President

LIANE M. RANDOLPH

MARTHA GUZMAN ACEVES

CLIFFORD RECHTSCHAFFEN

GENEVIEVE SHIROMA

Commissioners