

PUBLIC UTILITIES COMMISSION  
505 Van Ness Avenue  
San Francisco CA 94102-3298



**Pacific Gas & Electric Company**  
**ELC (Corp ID 39)**  
**Status of Advice Letter 6771E**  
**As of January 19, 2023**

Subject: Submits Notice of Construction, Pursuant to General Order 131-D, for the Construction of Livermore-Las Positas 60kV Power Line Relocation Project, City of Livermore

Division Assigned: Energy

Date Filed: 11-21-2022

Date to Calendar: 11-30-2022

Authorizing Documents: None

<b>Disposition:</b>	<b>Accepted</b>
<b>Effective Date:</b>	<b>01-06-2023</b>

Resolution Required: No

Resolution Number: None

Commission Meeting Date: None

CPUC Contact Information:

[edtariffunit@cpuc.ca.gov](mailto:edtariffunit@cpuc.ca.gov)

AL Certificate Contact Information:

Kimberly Loo

(415)973-4587

[PGETariffs@pge.com](mailto:PGETariffs@pge.com)

**PUBLIC UTILITIES COMMISSION**  
505 Van Ness Avenue  
San Francisco CA 94102-3298



To: Energy Company Filing Advice Letter

From: Energy Division PAL Coordinator

Subject: Your Advice Letter Filing

The Energy Division of the California Public Utilities Commission has processed your recent Advice Letter (AL) filing and is returning an AL status certificate for your records.

The AL status certificate indicates:

- Advice Letter Number
- Name of Filer
- CPUC Corporate ID number of Filer
- Subject of Filing
- Date Filed
- Disposition of Filing (Accepted, Rejected, Withdrawn, etc.)
- Effective Date of Filing
- Other Miscellaneous Information (e.g., Resolution, if applicable, etc.)

The Energy Division has made no changes to your copy of the Advice Letter Filing; please review your Advice Letter Filing with the information contained in the AL status certificate, and update your Advice Letter and tariff records accordingly.

All inquiries to the California Public Utilities Commission on the status of your Advice Letter Filing will be answered by Energy Division staff based on the information contained in the Energy Division's PAL database from which the AL status certificate is generated. If you have any questions on this matter please contact the:

Energy Division's Tariff Unit by e-mail to  
**[edtariffunit@cpuc.ca.gov](mailto:edtariffunit@cpuc.ca.gov)**



**Sidney Bob Dietz II**  
Director  
Regulatory Relations

Pacific Gas and Electric Company  
77 Beale St., Mail Code B10C  
P.O. Box 770000  
San Francisco, CA 94177

Fax: 415-973-7226

November 21, 2022

**Advice 6771-E**  
(Pacific Gas and Electric Company ID U39 E)

Public Utilities Commission of the State of California

**Subject: Submits Notice of Construction, Pursuant to General Order 131-D, for the Construction of Livermore-Las Positas 60kV Power Line Relocation Project, City of Livermore**

Pacific Gas and Electric Company (PG&E or the Company) hereby submits notice pursuant to General Order (G.O.) 131-D, Section XI, Subsection B.4, of the construction of facilities that are exempt from a Permit to Construct.

### **Purpose**

This advice letter provides a copy of the Notice of Proposed Construction (Attachment I) and the Notice Distribution List, which comply with the noticing requirements found in G.O. 131-D, Section XI.

### **Background**

To accommodate the widening of First Street between Larch Lane and Portola Avenue in the City of Livermore (City), the City has requested PG&E to relocate approximately 1,485 feet of the existing Livermore-Las Positas 60 Kilovolt (kV) Power Line in the City of Livermore, Alameda County. The relocation (minor relocation) begins at an existing PG&E power pole on the northwest side of First Street approximately 100 feet northwest of the intersection of First Street and Larch Lane and runs northeast approximately 1,485 feet in First Street crossing Portola Avenue, terminating at an existing PG&E power pole on the northwest side of First Street approximately 375 feet northeast of the intersection of First Street and Portola Avenue. PG&E will relocate approximately 5 existing wood poles, replace 1 existing wood pole (in-place) with new taller wood poles, and convert 1 existing wood pole (10-foot height reduction) from transmission to distribution. The new wood poles will be approximately 10 feet to 15 feet taller than the existing wood poles to comply with CPUC General Order (GO) 95 minimum ground-to-conductor (wire) clearance requirements, while accommodating City of Livermore proposed roadway improvements, and electric distribution and communication wires on the power line poles (underbuild).

Construction is tentatively scheduled to begin in January 2023 or as soon as practicable after project approval. Construction will be completed in February 2023, or as soon as possible after construction begins.

**Exemption Under G.O. 131-D**

CPUC G.O. 131-D, Section III, Subsection B.1, exempts a utility from the CPUC's requirement to file an application requesting authority to construct if a project meets specific conditions. This project qualifies for the following exemption(s):

- c. "the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures."

This project consists of the relocation of approximately 5 existing wood poles, replacement of 1 existing wood pole (in-place), and conversion of 1 existing wood pole from transmission to distribution that have the same form and function as the existing facilities. The relocation is to accommodate the City of Livermore widening of First Street southwest of the intersection of First Street and Portola Avenue. The relocation is within the same utility corridor, following the same route as the existing lines.

None of the exceptions to the exemptions in Section III B.2, as specified in CEQA Guidelines section 15300.2, exist to disqualify this project from the NOC process.

The exceptions, and why they do not apply, include the following:

- a. There is a reasonable possibility that the activity may impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies.

Discussion: There is no federally- or state-designated critical habitat for any special-status species within the project area. No Jurisdictional waters and wetlands are within the project area. No other designated, mapped and officially-adopted resources of hazardous or critical concern are known to occur in the project area.

- b. The cumulative impact of successive projects of the same type in the same place, over time, is significant.

Discussion: PG&E is not aware of any other projects of the same type in the same place, or over time, that would result in significant cumulative impacts. Moreover, the proposed project would minimize the frequency of repairs and reduce the need for similar work within the transmission corridor in the future.

- c. There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Discussion: There is no reasonable possibility that the project will have a significant effect on the environment due to unusual circumstances. In *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 (Berkeley Hillside), the California Supreme Court found that, to apply this exception, the lead agency must find both (a) an unusual circumstance that makes this project different from others in the class, and (b) a reasonable possibility of a significant impact due to that unusual circumstance. (Id. at 1104-1105.) Thus, the first question is whether there is an unusual circumstance that would make this project different from others in the class.

PG&E is continually undertaking reconductoring projects throughout its territory, most of which require replacement, removal and/or addition of structures as well as replacement of the conductors. Numerous reconductoring projects have established laydown yards, used helicopters for construction, required vegetation removal or surface recontouring, used overland access, and adjusted structure locations to avoid resources or other impacts. While this project involves pole replacement and relocation and does not involve reconductoring, there is nothing about this project that is different from others in its class. In litigation over the meaning of “unusual circumstances,” most courts have declined to find that circumstances were unusual; examples where unusual circumstances were identified were striking in their difference from the norm, including, e.g., a project in a leaking landfill (*Azusa Land Reclamation Company v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App. 4th 1665, 1207), involving a particular historic wall (*Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.App 4th 1168, 1187), and stock car racing at a fairgrounds near residences (*Lewis v. Seventeenth Dist. Agricultural Ass’n* (1985) 165 Cal App. 3d 823). Each of these cases presented circumstances that were atypical for the type of project proposed and created potentially significant effects due to the unusual circumstances. There is no similar anomaly present in this project.

Even if unusual circumstances were present, which they are not, there is no reasonable possibility of a significant impact due to an unusual circumstance. As explained above, no significant impacts of any kind have been identified. This project consists of relocating and replacing existing power line poles with similar facilities. It has been designed to avoid impacts and no other potential impacts have been identified.

### **Protests**

Anyone wishing to protest this submittal may do so by letter sent electronically via E-mail with the CPUC and the Company by December 12, 2022, which is 21 days<sup>1</sup> after the date of this submittal. Protests should be emailed to the following address:

CPUC Energy Division  
ED Tariff Unit  
E-mail: [EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

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<sup>1</sup> The 20-day protest period concludes on a weekend, therefore, PG&E is moving this date to the following business day.





# ADVICE LETTER SUMMARY

## ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Pacific Gas and Electric Company (ID U39 E)

Utility type:

- ELC       GAS       WATER  
 PLC       HEAT

Contact Person: Kimberly Loo

Phone #: (415)973-4587

E-mail: PGETariffs@pge.com

E-mail Disposition Notice to: KELM@pge.com

EXPLANATION OF UTILITY TYPE

ELC = Electric      GAS = Gas      WATER = Water  
 PLC = Pipeline      HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 6771-E

Tier Designation: 2

Subject of AL: Submits Notice of Construction, Pursuant to General Order 131-D, for the Construction of Livermore-Las Positas 60kV Power Line Relocation Project, City of Livermore

Keywords (choose from CPUC listing): G.O. 131-D

AL Type:  Monthly  Quarterly  Annual  One-Time  Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL:

Confidential treatment requested?  Yes  No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required?  Yes  No

Requested effective date: 12/21/22

No. of tariff sheets: 0

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed<sup>1</sup>: N/A

Pending advice letters that revise the same tariff sheets: N/A

<sup>1</sup>Discuss in AL if more space is needed.

**Protests and correspondence regarding this AL are to be sent via email and are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:**

California Public Utilities Commission  
Energy Division Tariff Unit Email:  
[EDTariffUnit@cpuc.ca.gov](mailto:EDTariffUnit@cpuc.ca.gov)

Contact Name: Sidnev Bob Dietz II. c/o Megan Lawson  
Title: Director, Regulatory Relations  
Utility/Entity Name: Pacific Gas and Electric Company  
  
Telephone (xxx) xxx-xxxx:  
Facsimile (xxx) xxx-xxxx:  
Email: PGETariffs@pge.com

Contact Name:  
Title:  
Utility/Entity Name:  
  
Telephone (xxx) xxx-xxxx:  
Facsimile (xxx) xxx-xxxx:  
Email:

CPUC  
Energy Division Tariff Unit  
505 Van Ness Avenue  
San Francisco, CA 94102

Clear Form

**NOTICE OF PROPOSED CONSTRUCTION**

Para más detalles llame 1-800-660-6789

**PROJECT NAME: LIVERMORE-LAS POSITAS 60kV POWER LINE RELOCATION PROJECT - (City of Livermore, P.No. 5525122)**  
**ADVICE LETTER NUMBER: 6771-E**

**Proposed Project:**

To accommodate the widening of First Street between Larch Lane and Portola Avenue in the City of Livermore (City), the City has requested Pacific Gas and Electric Company (PG&E) to relocate approximately 1,485 feet of the existing Livermore-Las Positas 60 Kilovolt (kV) Power Line in the City of Livermore, Alameda County. The relocation (minor relocation) begins at an existing PG&E power pole on the northwest side of First Street approximately 100 feet northwest of the intersection of First Street and Larch Lane and runs northeast approximately 1,485 feet in First Street crossing Portola Avenue, terminating at an existing PG&E power pole on the northwest side of First Street approximately 375 feet northeast of the intersection of First Street and Portola Avenue. PG&E will relocate approximately 5 existing wood poles, replace 1 existing wood pole (in-place) with new taller wood poles, and convert 1 existing wood pole (10-foot height reduction) from transmission to distribution. The new wood poles will be approximately 10 feet to 15 feet taller than the existing wood poles to comply with CPUC General Order (GO) 95 minimum ground-to-conductor (wire) clearance requirements, while accommodating City of Livermore proposed roadway improvements, and electric distribution and communication wires on the power line poles (underbuild).

Construction is tentatively scheduled to begin in January 2023 or as soon as practicable after project approval. Construction will be completed in February 2023, or as soon as possible after construction begins.

**Exemption from CPUC Permit Requirement:** CPUC General Order 131-D, Section III, Subsection B.1, exempts a utility from the CPUC's requirement to file an application requesting authority to construct if a project meets specific conditions. This project qualifies for the following exemption:

- c. "the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures."

**Additional Project Information:** To obtain further information on the proposed project, please call PG&E's Project Information Line at (415) 973-5530.

**Public Review Process:** Individuals or groups may protest the proposed construction if they believe that PG&E has incorrectly applied for an exemption or that the conditions set out in Section III.B.2 of General Order 131-D exist;

- a. There is reasonable possibility that the activity may have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies; or
- b. The cumulative impact of successive projects of the same type in the same place, over time, is significant; or
- c. There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Protests should include the following:

1. Your name, email address and daytime telephone number.
2. Reference to the CPUC Advice Letter Number and Project Name.
3. A clear description of the reason for the protest.
4. Whether you believe that evidentiary hearings are necessary to resolve factual disputes.

**Protests for this project must be filed by December 12, 2022 at the following address:**

Director, Energy Division  
 ED Tariff Unit  
 E-mail: EDTariffUnit@cpuc.ca.gov

With a copy emailed to:  
 Pacific Gas and Electric Company  
 PG&E Tariffs  
 E-mail: PGETariffs@pge.com

PG&E must respond within five business days of receipt and serve its response on each protestant and the Energy Division. Within 30 days after PG&E has submitted its response, the CPUC Executive Director will send you a copy of an Executive Resolution granting or denying PG&E's request and stating the reasons for the decision.

**Assistance in Filing a Protest:** If you need assistance in filing a protest, contact the CPUC Public Advisor: email: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov) or call: 1-866-849-8390 (toll-free), or (415) 703-2074, or TTY (415) 703-5258.

**Public Comment:** Even if you do not want to file an official protest, you may still comment on the request. To do so, send your comments to the Energy Division at the address noted above. Please reference Advice Letter 6771-E.

## **Notice Distribution List**

### **Livermore-Las Positas 60kV Power Line Relocation Project (City of Livermore) Advice 6771-E**

#### **Energy Commission**

Mr. Drew Bohan, Executive Director  
California Energy Commission  
1516 Ninth Street, Mail Stop 39  
Sacramento, California 95814  
Drew.Bohan@energy.ca.gov

Ms. Linda Spiegel, Chief Deputy Director  
California Energy Commission  
1516 Ninth Street, Mail Stop 39  
Sacramento, California 95814  
Linda.Spiegel@energy.ca.gov

#### **California Department of Fish and Wildlife**

Mr. Larry Bonner  
California Department of Fish and Wildlife, Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
Lawrence.Bonner@Wildlife.ca.gov  
R3CEQA@wildlife.ca.gov  
R3CESA@wildlife.ca.gov  
R3LSA@wildlife.ca.gov

#### **City of Livermore**

Mr. Steve Stewart, Planning Manager  
Community Development  
1052 S. Livermore Avenue  
Livermore, CA 94550  
scstewart@cityoflivermore.net

#### **Newspaper**

East Bay Times

## PG&E Gas and Electric Advice Submittal List

AT&T	East Bay Community Energy Ellison Schneider & Harris LLP	Pioneer Community Energy
Albion Power Company	Engineers and Scientists of California	Public Advocates Office
Alta Power Group, LLC	GenOn Energy, Inc.	Redwood Coast Energy Authority
Anderson & Poole	Goodin, MacBride, Squeri, Schlotz & Ritchie	Regulatory & Cogeneration Service, Inc.
Atlas ReFuel	Green Power Institute	Resource Innovations
BART	Hanna & Morton	SCD Energy Solutions
Barkovich & Yap, Inc.	ICF	San Diego Gas & Electric Company
Braun Blaising Smith Wynne, P.C.	iCommLaw	SPURR
California Cotton Ginners & Growers Assn	International Power Technology	San Francisco Water Power and Sewer
California Energy Commission	Intertie	Sempra Utilities
California Hub for Energy Efficiency Financing	Intestate Gas Services, Inc.	Sierra Telephone Company, Inc.
California Alternative Energy and Advanced Transportation Financing Authority	Kelly Group	Southern California Edison Company
California Public Utilities Commission	Ken Bohn Consulting	Southern California Gas Company
Calpine	Keyes & Fox LLP	Spark Energy
Cameron-Daniel, P.C.	Leviton Manufacturing Co., Inc.	Sun Light & Power
Casner, Steve	Los Angeles County Integrated Waste Management Task Force	Sunshine Design
Center for Biological Diversity	MRW & Associates	Stoel Rives LLP
Chevron Pipeline and Power City of Palo Alto	Manatt Phelps Phillips	Tecogen, Inc.
City of San Jose	Marin Energy Authority	TerraVerde Renewable Partners
Clean Power Research	McClintock IP	Tiger Natural Gas, Inc.
Coast Economic Consulting	McKenzie & Associates	TransCanada
Commercial Energy	Modesto Irrigation District	Utility Cost Management
Crossborder Energy	NLine Energy, Inc.	Utility Power Solutions
Crown Road Energy, LLC	NRG Solar	Water and Energy Consulting Wellhead Electric Company
Davis Wright Tremaine LLP	OnGrid Solar	Western Manufactured Housing Communities Association (WMA)
Day Carter Murphy	Pacific Gas and Electric Company	Yep Energy
Dept of General Services	Peninsula Clean Energy	
Don Pickett & Associates, Inc.		
Douglass & Liddell		
Dish Wireless L.L.C.		