

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

In the Matter of the Application of
SOUTHERN CALIFORNIA EDISON
COMPANY (U 338-E) for a Certificate
of Public Convenience and Necessity
for the RTRP Transmission Project

A.15-04-013
(Filed April 15, 2015)
(Amended April 30, 2015)

**PROTEST OF CITY OF JURUPA VALLEY TO AMENDED APPLICATION OF
SOUTHERN CALIFORNIA EDISON COMPANY (U 338-3) FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO
CONSTRUCT THE RIVERSIDE TRANSMISSION RELIABILITY PROJECT**

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**PROTEST OF CITY OF JURUPA VALLEY TO AMENDED
APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY
(U 338-3) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO CONSTRUCT THE RIVERSIDE TRANSMISSION
RELIABILITY PROJECT**

I. INTRODUCTION

The City of Jurupa Valley (“Jurupa Valley”), for itself and its citizens, opposes the contemplated Riverside Transmission Reliability Project (“RTRP” or “Project”). Jurupa Valley does not oppose the conceptual need for the Project. Instead, Jurupa Valley contends that a major component of the Project – a massive 10-mile, 220 kV¹ double-circuit above-ground transmission line (“RTRP transmission line”) – is not the cheapest, fastest or most equitable way to accomplish the goals of the RTRP.

Significantly, SCE’s Amended Application ignores that the City of Riverside (“Riverside”) already had made up its mind almost ten years ago that the RTRP transmission line should be constructed adjacent to the I-15 freeway. Riverside decided this because ten years ago, the area adjacent to the I-15 freeway was largely undeveloped and in an unincorporated area of Riverside County. Times have changed dramatically since then.

Jurupa Valley incorporated as a city in 2011, and other major residential and commercial developments already have been built or planned in the Project area. Specifically, the heart of Jurupa Valley’s financial and commercial corridor is being built directly where Riverside had wanted to construct the RTRP transmission line. Approximately 2,000 new homes also will be built directly in the RTRP transmission line’s then-contemplated path and general vicinity.

¹ SCE’s Amended Application refers to the Project’s “nominal capacity” of 220 kV transmission lines, despite SCE’s reliance on a Final EIR that analyzes the operational capacity of 230 kV transmission lines.

Instead of considering less costly and intrusive alternate paths that take into account the important developments in Jurupa Valley that have taken place over the last decade, Riverside and SCE stubbornly rely on information and assumptions that are almost ten years old in arguing that the RTRP transmission line alignment and design proposed in the Amended Application (as contemplated almost a decade ago) is still the best option. The Commission needs to take a fresh look at Riverside's EIR.

The Commission also needs to independently analyze the siting and design of the RTRP transmission line as required under General Order 131-D, as it did for the City of Chino Hills in A.07-06-031 (Tehachapi Renewable Transmission Project). In summary, the Commission's fresh, unbiased, and reasoned consideration of alternate routes and technologies, including undergrounding, will reveal that the most cost-effective, equitable, and expeditious way to construct the RTRP transmission line is contrary to what SCE and Riverside have proposed in the Amended Application.

Finally, in accordance with General Order 131-D, § XII, Jurupa Valley respectfully requests that public hearings be held with respect to SCE's Amended Application.

II. LEGAL ARGUMENT

A. Under General Order-131, the CPUC Should Conduct Its Own Environmental Analysis Because SCE's Amended Application Relies on Riverside's Legally Deficient Final EIR.

SCE incorrectly maintains that Riverside's Final EIR should be treated as the Preliminary Environmental Assessment ("PEA") under General Order 131-D § IX.A.1.h. SCE also asserts that "there is no need for the Commission to conduct

any additional environmental review of this Amended Application.” (Amended Application, p. 11.) SCE, however, cannot rely on Riverside’s legally defective Final EIR to form the basis of its PEA because the Final EIR demonstrates an impermissible pre-commitment to the Project, contains significant new information that requires recirculation of the EIR, and fails to adequately and fairly consider viable alternatives, including undergrounding. In light of these significant deficiencies in SCE’s proposed PEA, the CPUC should conduct its own environmental review of the Project.

Under General Order 131-D, the Commission has exclusive jurisdiction over siting, construction, and design of major components of the Project -- including the RTRP transmission line that both SCE and Riverside seek to construct through the heart of Jurupa Valley. Thus, the Commission should exercise its exclusive jurisdiction to conduct an independent environmental review and to take an unbiased look at the more equitable and efficient siting and design options that Riverside and SCE summarily rejected without regard for others in Riverside County, including Jurupa Valley and its residents.

First, SCE’s environmental analysis in the Amended Application is deficient because SCE relies on Riverside’s adoption of a fundamentally flawed Final EIR that violates the California Environmental Quality Act (“CEQA”). Specifically, the Final EIR violates CEQA and governing case law because Riverside impermissibly and irrevocably pre-committed to the Project before any environmental review had been conducted. Jurupa Valley already has initiated the appeals process challenging the Final EIR’s failure to comply with the requirements of CEQA. That appeal is still pending before the State of California Court of Appeal, Second Appellate District, civil case number B257623.

Jurupa Valley's pending legal challenge demonstrates that as early as January 2006, Riverside approved an option to build a new high-voltage power line, asserting with certainty that approval for the Project "will be granted by the City Council, acting as the Lead Agency in the California Environmental Quality Act (CEQA) process." On February 17, 2006, Riverside then confirmed its impermissible pre-commitment to the Project by proclaiming that "this project must move forward in order to meet customer energy needs." Riverside's decision to construct a new high-voltage power line at the outset and an already agreed-upon Interconnection Facilities Agreement between Riverside and SCE committed Riverside to the Project to the detriment to Jurupa Valley and its citizens. Thus, Riverside impermissibly committed to a definite course of action that foreclosed any option other than to proceed with the Project. The subsequent EIR process amounted to no more than impermissible post-hoc rationalization, with the foregone conclusion that Riverside would certify the EIR and approve the Project.

Second, SCE's Amended Application improperly relies on a legally deficient Final EIR because the EIR includes significant new information requiring Riverside to recirculate the EIR for additional public review and comment. Despite the addition of significant new information, Riverside failed to recirculate the Final EIR, ignoring its legal obligations under CEQA. Riverside added significant new information by changing the route of the 230 kV transmission line, which Riverside acknowledged would result in high levels of traffic impacts. Riverside also added significant new information in the Final EIR by undergrounding a portion of the 69 kV transmission lines – an option that the Draft EIR previously had determined was both environmentally and economically infeasible. Given that the Draft EIR already had asserted that the impacts from undergrounding even a portion of the 69 kV lines were so significant as to render

the option economically and environmentally infeasible, Riverside's sudden addition of undergrounding a portion of the 69 kV lines would result in additional and substantial environmental impacts, triggering Riverside's obligation to recirculate the Final EIR.

Riverside also added significant new information by adding an entirely new environmental justice analysis that was completely absent from the Draft EIR and was introduced for the first time in the Final EIR. The decision to add this environmental justice impact analysis resulted in the disclosure of a new environmental impact for the Project and constituted significant new information that also requires recirculation of the Final EIR. Despite adding the foregoing significant information at the last minute, Riverside failed to recirculate the Final EIR for additional public comment and responses to comments as required by 14 Cal. Code Regs. § 15088.5(a)(2). This deprived the public of a fair opportunity to engage in a full analysis and review of the Project's environmental impacts and alternatives. Riverside's failure to comply with CEQA's recirculation requirements also allowed Riverside to avoid having to respond to the public's comments on these last-minute, significant changes to the Project.

Third, SCE's Amended Application impermissibly relies on Riverside's defective Final EIR because the Final EIR fails to adequately analyze project alternatives in compliance with CEQA. Despite initially pursuing an eastern route alternative as a feasible option, Riverside did not fairly and adequately analyze and discuss this alternative in its Draft EIR. Because that eastern route would have met the Project's projected electrical energy demands and increased system reliability and flexibility, Riverside was required to make a considered and good-faith analysis of this option rather than merely dismissing it at the outset.

Similarly, in light of Riverside's abrupt reversal on the feasibility of undergrounding a portion of the 69 kV line, Riverside did not fairly analyze and evaluate the undergrounding alternatives. In fact, Riverside already admitted in both the Draft EIR and the Final EIR that undergrounding 69 kV lines presents similar economic and environmental impacts as undergrounding larger 230 kV lines. Yet, Riverside only added undergrounding to a portion of the 69 kV transmission lines without further explaining or considering the feasibility of undergrounding other portions of the 69 kV lines or any portions of the larger 230 kV lines. Thus, Riverside's own inconsistent and unfair analysis of undergrounding alternatives demonstrate that it dismissed the undergrounding alternatives out of hand. Riverside, in violation of CEQA, only found undergrounding to be feasible when it suited Riverside's goal of pushing the Project forward, and avoid what Riverside considered to be a more onerous impacts.

In addition to the new information that was added to the Final EIR, new conditions and impacts require further environmental review and the preparation of a subsequent EIR pursuant to CEQA Guidelines § 15162. For example, thousands of new homes will be constructed in the RTRP transmission line's path and vicinity. The significant environmental impacts from the Project would severely impact the new construction and residents who would live in those homes. Indeed, the massive overhead transmission lines that are proposed in the Project would present substantial safety hazards to the surrounding population and properties if those lines collapsed.

Similarly, Jurupa Valley's Environmental Justice Element, which amends Jurupa Valley's General Plan, was adopted on November 6, 2014 and warrants further environmental review of the Project in a subsequent EIR. The

Environmental Justice Element protects the fair treatment and meaningful participation of all residents, including disadvantaged residents and minority residents in Jurupa Valley, by requiring greater access to public hearings and communication with decision-makers. As provided by California General Plan law, the Environmental Justice Element has the same weight as the mandatory elements of the General Plan; the Project, however, would significantly and inequitably impact disadvantaged and minority residents in Jurupa Valley by imposing tremendous environmental burdens and safety hazards on Jurupa Valley residents for the benefit of Riverside and SCE's ratepayers. As a result, a subsequent EIR is necessary to meaningfully and fairly analyze the Project's impacts on Jurupa Valley's Environmental Justice Element.

Finally, SCE improperly relies on Riverside's Final EIR, which fails to properly analyze the Project's visual impacts because the analysis does not take into account planned commercial development adjacent to the I-15 and the visual impacts that will occur from those vantage points.

All of these errors are significant and prejudicial. Therefore, the CPUC should reject SCE's adoption of Riverside's fundamentally flawed environmental review. Instead, as analyzed below, the Commission can and should exercise its independent judgment and analysis for a fresh, unbiased, and reasoned review of the environmental analysis, siting, and design of the RTRP transmission line.

B. The CPUC Should Exercise Its Exclusive Jurisdiction On Siting, Design, and Construction

Pursuant to General Order 131-D, the CPUC should exercise its independent and exclusive judgment on the siting, design, and environmental analysis of the RTRP transmission line because SCE's Amended Application does not properly analyze public safety concerns and the costs of undergrounding.

General Order 131-D requires that the Commission serve as “lead agency” for all projects involving the siting, design, and construction of the Project, most notably including the RTRP transmission line. Specifically, Section XIV B states that “for all issues related to the siting, design, and construction of electric generating plant or transmission lines . . . the Commission will be the Lead Agency under CEQA”

1. SCE Did Not Properly Analyze Public Safety

In addition to the Final EIR’s fatal flaws as noted above, SCE’s Amended Application also fails to adequately analyze the public safety aspects of the Project. For example, Riverside’s EIR does not analyze what rights-of-way would be needed (and the associated costs) to avoid any catastrophic event if the RTRP transmission line fell on either side of adjacent housing developments, or even the I-15 freeway. The potentially disastrous safety hazard posed by this omission, alone, should compel the Commission to undertake its own environmental analysis and exercise its independent judgment and analysis on the siting and design of the RTRP transmission line.

2. The Costs of the Project Were Not Properly Analyzed

SCE also contends that it considered alternative 220 kV transmission line routes, substation locations, and alternative technologies, including undergrounding. However, even a cursory review of SCE’s Amended Application and Riverside’s Final EIR demonstrates the opposite.

SCE currently has few or no right-of-ways for the RTRP. SCE would have to obtain prohibitively expensive and infeasible amounts of real property to construct the RTRP with enough clearance in the event of a catastrophic collapse of the above-ground double circuit 220 kV transmission towers along the I-15 corridor. Yet, without any detailed explanation, SCE merely concludes that the

estimated direct SCE costs for the Project are “\$222 million in 2015 dollars . . . includ[ing] costs for preliminary and final engineering, construction, labor, materials, real estate, telecommunications, permitting and project support” (Amended Application, p. 13.)

In addition, SCE’s Amended Application relies upon contradictory assumptions regarding the costs of undergrounding. Initially, Riverside’s Draft EIR dismissed undergrounding even a portion of any transmission line to be economically infeasible. Yet, without any explanation, Riverside’s Final EIR abruptly reversed course and concluded that undergrounding a portion of the lines is feasible and would be added to the Project. As a result, SCE’s Amended Application fails to adequately analyze the costs of undergrounding because neither SCE nor Riverside sufficiently analyzes the costs of undergrounding other portions of the Project in light of Riverside’s abrupt reversal on this issue in the Final EIR.

Evidentiary hearings will reveal that the RTRP transmission line adopted by Riverside in the Final EIR, and proposed by SCE in the Amended Application is neither the most cost-effective, nor the quickest way to construct the RTRP transmission line. Thus, the Commission needs to exercise its independent judgment and analysis to reach a more equitable and efficient conclusion.

C. Environmental Justice Dictates That the CPUC Should Renew the EIR Process

Finally, the RTRP transmission line is the most unfair treatment of Riverside’s neighbors. Riverside is the dominant and influential city in Riverside County. In processing the Final EIR without regard to drastic environmental and economic impacts on Jurupa Valley and its residents, Riverside has declared that it

does not care what happens beyond its own backyard. This completely disregards environmental justice, and the Commission should not support such an injustice.

The Amended Application freely admits that the Riverside “is the largest city in Riverside County and has experienced considerable growth and development during the past 10 years. It serves as the county seat of government and includes three universities and one community college campus, three major hospitals, the county emergency communications center, a regional water filtration plant, and a convention center.” (Amended Application p. 3.)

By comparison, Jurupa Valley is one of the newest incorporated cities in California, has less than 1/3 of Riverside’s residents, and has more minority residents. Both Riverside and SCE are basically attempting to bully the RTRP Project through the Commission, using their larger budgets and rate-payer subsidies.

Indeed, the Project as proposed would be incredibly unfair to Jurupa Valley and its residents because the Project would irreparably damage Jurupa Valley economically. For example, the Project would adversely impact the development of thousands of new homes by the acquisition of home sites or diminishing the value of nearby homes due to potentially catastrophic safety hazards and significant environmental impacts that would preclude those homes from being built. If those homes do not get constructed, Jurupa Valley would not only lose further construction and development in those areas but also would lose future residents whose buying power would be a catalyst for new retail and commercial development that would provide necessary tax revenue and critical jobs for the community.

The Commission should not tolerate such economic and environmental injustice. The evidentiary proceedings will reveal that SCE’s and Riverside’s

current siting and design of the RTRP transmission line fail to meet the Commission's standards, and that alternative routes and/or designs are the most cost-effective, equitable, and expeditious to all interested and affected parties.

III. CONCLUSION

The Commission should exercise its independent judgment and conduct its own analysis of the RTRP transmission line. The Commission is uniquely qualified to weigh the interests of Riverside, SCE, Jurupa Valley, and all other affected parties. At the conclusion of evidentiary hearings, the Commission should be convinced that the currently-proposed RTRP transmission line does not pass environmental, economic, or fairness standards.

DATED: May 29, 2015

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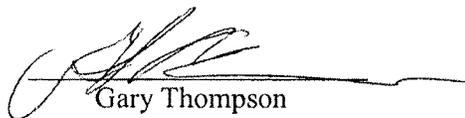
By: _____/s/_____
B. Tilden Kim
Attorneys for City of Jurupa Valley

VERIFICATION

I have read the foregoing **PROTEST OF CITY OF JURUPA VALLEY TO AMENDED APPLICATION OF SOUTHERN CALIFORNIA EDISON COMPANY (U 338-3) FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT THE RIVERSIDE TRANSMISSION RELIABILITY PROJECT** and know its contents. As the City Manager for the City of Jurupa Valley, I am an officer of the City of Jurupa Valley and am authorized to make this verification for and on its behalf, and I make this verification for that reason. The matters stated in the foregoing document are true and accurate to the best of my knowledge at this time, except as to matters which are stated on information or belief, and as to those matters I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 29, 2015 at Jurupa Valley, California.


Gary Thompson