



August 28, 2019

Energy Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102

Subject: Resolution E-4993
Agenda ID: 17633, PG&E Advice Letters 5464-E and 5464-E-A
September 12, 2019 Commission Meeting

Dear Members, Public Utilities Commission of the State of California,

The Piedmont Pines Neighborhood Association (PPNA) is pleased to have this opportunity to submit its comments on the above Resolution which recommends that PG&E's request for deviation from Electric Rule 20A be denied. We oppose this Resolution and urge the Commission to withdraw it and to grant PG&E's request for a deviation.

We request that this letter be given full consideration by the Commission since it identifies several factual errors contained in the Resolution. Also, we have identified significant errors in the application of the CPUC's rule 20A public benefit criteria.

PPNA previously submitted to the Commission on January 14, 2019 a letter in support of PG&E's Advice Letter 5464-E.

The Piedmont Pines Neighborhood Association represents nearly 1400 homes in the Oakland Hills and is, since 1987, the community based sponsor of a project to underground utilities in the Piedmont Pines area of Oakland. As such, it is a neighborhood association rather than a homeowner's association. Its mission is focused on improving Piedmont Pines for all residents.

HISTORY OF THE PIEDMONT PINES UTILITY UNDERGROUND DISTRICT

In May 2000, the City of Oakland created the Piedmont Pines Underground Utility District No. 232. Given the length of time it would take to complete the entire project, it was subsequently divided into three construction phases. Phase I was completed in 2014. The decision before the Commission concerns Phase II of that project.

While the Resolution references the City of Oakland's utility undergrounding approach as "first come/first serve," the Piedmont Pines community agreed to allow other significant projects to "go first" since they addressed significant community needs. Here's a brief history:

1. 1987—we filed our application, and **came to the top of the waiting list** in 1990 or 1991. There was not a long waiting list in the early days of this process.

2. 1991—Oakland Firestorm. The city did not have enough 20A work credits to do the fire restoration **and** PPNA, so we stepped aside
3. 1999—Firestorm work was completed and **we were again at the top of the list**
4. 2000—Estates Drive undergrounding project was 90% complete when PGE filed to defer Rule 20A projects as one of its “cash conservation measures...undertaken in response to our critical cash shortage and the downgrading of our credit rating...and our inability to borrow funds...” This was an Emergency Motion: Application 00-11-056, filed 11/22/2000 to suspend 20A work for six months. Because this project was so close to completion, PPNA stepped aside to allow the Estates project to conclude when PG&E resumed undergrounding operations
5. 2004—MacArthur Blvd improvement project. The City wrote, “We stepped aside because the city wanted to extend the improvement project. It was the first time Council moved a utility undergrounding project out of sequence.”

In sum, PPNA and the Piedmont Pines community have patiently waited a very long time to see a City-approved utility undergrounding project completed.

**OUR REASONS FOR SUPPORTING PG&E’S DEVIATION REQUEST
AND OPPOSING THE RESOLUTION**

We strongly support PG&E’s request that the deviation be granted. In doing so, PPNA believes that the deviation request should not be necessary because all of **the individual streets proposed for undergrounding in Phase II comply with one or more of the CPUC public benefit criteria.**

Further, while we understand that the rule 20A criteria do not expressly include safety benefits related to reducing wildfire risk, we believe that the Commission should consider the fact that the streets in the Piedmont Pines Underground Utility District fall within High or Very High Fire Hazard Zones (FHSX) as designated by the California Department of Forestry and Fire Protection. While the Commission has not made wildfire safety an official public interest criterion for rule 20A undergrounding, it acknowledges that there is benefit in its approval of rule 20D for San Diego, and in undertaking an Order to Institute Rulemaking to consider undergrounding for wildfire prevention across the state.

We offer the following information in support of our recommendation in support of PG&E’s deviation request.

**IN CREATING THE UTILITY UNDERGROUND DISTRICT IN 2000, THE CITY OF OAKLAND
DETERMINED THAT ALL OF THE STREETS CONTAINED WITHIN ITS BOUNDARIES QUALIFIED
UNDER ONE OR MORE OF THE THREE PUBLIC BENEFIT CRITERIA OPERATIVE IN 2000**

In 2000, the City determined that all of the streets within the District qualified under one or more of the three rule 20A criteria then in force. The CPUC’s website states as follows: “The determination of ‘general public interest’ under these criteria is made by the local government, after holding public hearings, in consultation with the utilities.”

With respect to Phase II, on page 7, the Resolution correctly states that when the District was formed in 2000, “the City believed that the streets within the Phase II project boundary area satisfied the ‘heavy volume of vehicle traffic’ criteria.” However, the Resolution goes on to state, on page 8, that “the City of Oakland and PG&E knew...when the City formed the undergrounding district in 2000 that only 40% of the greater Piedmont Pines project met Rule 20A criteria then in place.” This is incorrect for two reasons.

First, on May 25, 1999 prior to the City creating the Piedmont Pines Utility Underground District, PG&E formally notified the City of Oakland, by letter, that Chelton Drive qualified as a “20A Street” as a “Heavily Traveled Roadway.” This letter also listed other streets in Phase II as 20A streets based on “Engineering Design Preferences.” (see attached.)

Second, based on a review of documents related to formation of the District, the City simply acknowledged its disagreement with PG&E—it did not agree with PG&E.

**THE CITY AND PPNA HAVE DEVOTED SUBSTANTIAL EFFORT TO RESOLVE DISAGREEMENTS
WITH THE UTILITIES REGARDING RULE 20A ELIGIBLE STREETS**

The Resolution before the Commission states, on page 9, that “...the City of Oakland did not subsequently work with the utilities to revise the project boundaries such that more of the project qualified.”

Since the Resolution does not describe the compromises reached subsequent to the formation of the District, this conclusion creates the false impression that the City, and by extension, PPNA, have been intransigent and that Underground Utility District boundaries have not changed. This is not true. The City and PPNA worked hard between 2000 and the creation of the phase I Assessment District in 2008 to narrow the overall project to those streets that were considered critical.

In 2000, the District was comprised of 15 linear miles. As a result of extensive negotiations among the City, PG&E and PPNA, boundaries of the District were changed such that the project will underground approximately 8 miles, a 46% reduction. **Significantly, the current Phase II boundaries focus undergrounding on the streets that PG&E deemed eligible for Rule 20A funding in its May 25, 1999 letter to the City of Oakland.**

**THE RULE 20A PUBLIC BENEFIT CRITERIA WERE NOT FULLY APPLIED
AND ARE SUBJECT TO BROAD INTERPRETATION**

In February 2018, we learned from City staff that PG&E had determined that the vast majority of Phase II streets and parcels—including Chelton Drive and Carisbrook Drive—did not meet the Rule 20A criteria. We repeatedly requested that PG&E provide us with “operational definitions” of the three applicable criteria and how they were applied in order to better understand its conclusion. We asked: How operationally does a street qualify as having a “heavy concentration of overhead wires”? What does “extensively used by the General Public” mean? What is “a heavy volume of vehicle traffic”? What does it mean for a street to “adjoin” a recreation area or an area of scenic interest?

This is what we learned.

PG&E effectively applied only two criteria to its determination of rule 20A eligibility for Phase II streets. The “heavy volume of vehicular traffic” criterion was not applied at all; rather the “arterial and collector street” criterion was applied. The City and PPNA have never argued that any of the Phase II streets were eligible under this criterion that was added after the formation of the District.

PG&E confirmed its view in its January 4, 2019 Deviation Request Letter to the CPUC. On page 2, it describes Rule 20A eligible projects as follows: “...a proposed underground project area must include streets with an unusual concentration of overhead lines...arterial or major collector streets.... or streets

that pass through or adjoin parks or other areas of unique scenic or public interest.” No mention is made of the “heavy volume of vehicle traffic” criterion and the “arterial or major collector streets” criterion is cited even though that criterion did not exist when the City established the District and has not been used to qualify streets in Phase II.

Until February 2018, it had been our understanding that the four ‘public interest’ criteria were independent and that a street only needed to satisfy one. We double-checked with experts, the CPUC’s website, the PG&E website and city staff/consultants. All sources confirmed our understanding that there are four criteria, as enumerated in the tariff.

We further found that PG&E’s application of the criteria did not square with information it provided to the CPUC. In summer 2018, the CPUC sent PG&E a formal data request specifically asking PG&E to define how it applies the four criteria (see Data Request from Jonathan Frost to PG&E, dated July 9, 2018 which was responded to by PG&E on August 9, 2018).

The “heavy volume of vehicular traffic” criterion--the CPUC asked PG&E: “How are the terms ‘extensively used’ and ‘heavy volume’ interpreted with regards to pedestrian and car traffic?”

PG&E’s response to the CPUC differed from what its staff told us:

“This criterion involves the determination of the amount of general public use of the street proposed by the governmental agency to be converted to underground. In order for the street to be considered ‘extensively used by the general public’ and ‘carries a heavy volume of pedestrian or vehicular traffic,’ PG&E will perform a field visit to determine whether the proposed street acts as a major thoroughfare for traffic from other neighborhoods and areas, as opposed to carrying only local traffic. In other words, the propose (sic) street is one that carries through traffic and would be used by individuals from outside of the proposed areas of conversion so that the benefit of the undergrounding project would spread to customers over a broader area other than just the adjacent property owners.(emphasis added)

To assist in making this determination, PG&E will look to whether the street...is designated as an arterial and major collector street because by definition such streets are used by residents living outside of those streets and designed to serve residents from other areas, not just principally serving the residents of that street.” (emphasis added)

When we shared this information with PG&E representatives, we were again told that PG&E uses the “arterial/major street” criterion in the place of the “heavy volume of vehicle traffic” criterion. We have been given no explanation for why PG&E is providing the City and PPNA with one interpretation of this criterion and the CPUC with another.

Also, PG&E provided us with no evidence that it had conducted a field visit related to traffic.

It is clear to PPNA and Piedmont Pines residents that Chelton Drive and Carisbrook Drive are used by many residents, from inside and outside Piedmont Pines, whose utilities will not be undergrounded, i.e., by residents that are not “adjacent property owners.”

When the Oakland City Council established the Piedmont Pines Undergrounding District on May 2, 2000, it based its action on the City’s Traffic Engineering practice that found that Chelton Drive and Carisbrook Drive (as well as the other major streets in the Piedmont Pines Underground District) qualified under the tariff under the “heavy volume of vehicle traffic” criterion.

We have also noted that the Resolution under consideration refers to the minimum traffic thresholds applicable to the “major arterial and collector” streets criterion in rejecting the City’s argument in support of qualifying these streets under the “heavy vehicle volume” criterion (page 9). These traffic thresholds are not applicable to these streets since no one is arguing that they qualify under this fourth criterion. Also, it is noteworthy that this criterion did not exist when the District was formed. If the “heavy volume of vehicle traffic” criterion was applied as it was intended, virtually all of Phase II would satisfy Rule 20A.

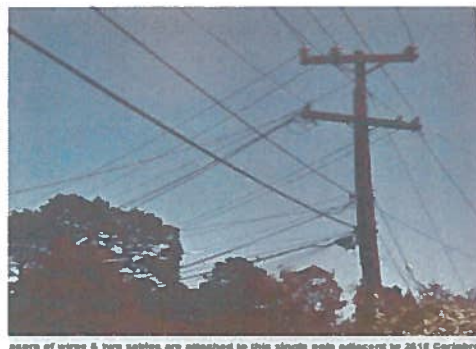
“The street...passes through a civic area, public recreation area or an area of unusual scenic interest to the public” criterion—PPNA’s view has been that the Chelton Dr/Carisbrook Dr corridor is a key route to the East Bay Regional Parks and other parks. While PG&E has not objected to our designation of these parks as qualified destinations, it informed us that the route to these destinations must be “direct.” However, its response to the CPUC’s summer 2018 data request does not mention “direct” and instead states that:

“...in interpreting this criterion PG&E will look to determine whether the area of the proposed conversion is one *which would most likely be visited by individuals who reside outside the areas of conversion.*” (emphasis added)

There is no question that individuals residing outside the areas of conversion use these streets to gain access to the parks.

The Resolution provides additional guidance on the application of this criterion. On page 10, the Resolution states that there is no evidence that non-residents use Chelton Drive to get to the parks and notes that Chelton Drive is not directly connected to State Highway 13, Skyline Boulevard or Mountain Blvd. Our view is that suggesting that a “direct” connection to these roadways is required is arbitrary and not applicable for a variety of reasons. First, any review of a roadmap of Piedmont Pines shows that streets wind around and there are no direct routes. Second, in Piedmont Pines, street names change, sometimes unexpectedly and illogically. For anyone driving from the State Road 13 exit in Piedmont Pines (Park Blvd) to the parks, Mountain Blvd becomes Ascot Dr, then Ascot Dr becomes Chelton Dr; however, if you are not reading the signage changes, you would think you are on one route to the parks. For anyone driving to the parks from outside Piedmont Pines, it is a direct route involving three streets plus Carisbrook. Third, depending on your point of origin, Google and Apple maps will give you this route. In sum, Chelton Dr/Carisbrook Dr is a core route through Piedmont Pines serving all users regardless of origin and, for Piedmont Pines residents is a key evacuation route.

“Undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities” criterion—PPNA repeatedly requested that PG&E provide it with an operational definition for this criterion. Ultimately, PG&E informed us that that poles need to carry a double circuit to qualify. Its response to the CPUC data request is consistent with this; however, we question why the intersections shown below do not constitute “heavy concentration.”



CONCLUSION

In 1999, PG&E formally designated specific streets in the proposed District as Rule 20A eligible. Its designation included the key streets that compose Phase II. The project was then divided into three phases to accommodate PG&E's construction planning and to allow the City to accrue the necessary rule 20A undergrounding credits. Each phase focused on one or more of the five roadways that PG&E deemed eligible as "heavily traveled roadways." And, after 2000, PPNA and the City worked to substantially reduce the undergrounding boundaries eliminating seven miles of streets for undergrounding.

Further, in making its current determination, PG&E has applied only two of the four public interest criteria. Notwithstanding its 1999 determination that the major roadway in Phase II, Chelton Drive, qualified as a "heavily traveled roadway," it failed to apply the "heavy volume of vehicle traffic" criterion to Phase II and has instead applied the "arterial and collector street" criterion which is not relevant to the streets in Phase II.

The CPUC's own website states as follows: "The determination of 'general public interest' under these criteria is made by the local government, after holding public hearings, in consultation with the utilities." PPNA and the City have fully consulted with the utilities. We see no reason to deny PG&E's request for a deviation because we believe Phase II qualifies based on the City of Oakland's—and PG&E's-- original determination of public benefit.

Sincerely,



Stanley Weisner,
President, Piedmont Pines Neighborhood Association

Copies via email:

Jonathan Frost, Regulatory Analyst, Energy Division, CPUC
Gabriel Petlin, Supervisor, Energy Division, CPUC
Yvonne Yang, PG&E
Erik Jacobson, Director, Regulatory Relations, PG&E
Piedmont Pines Neighborhood Association
Ryan Russo, Director, Department of Transportation, City of Oakland
Libby Schaaf, Mayor, City of Oakland
Sheng Thao, Council Member, Oakland District 4



May 25, 1999

City of Oakland
Mr. Richard Pontius
7101 Edgewater Drive
Oakland, CA 94621

Dear Mr. Pontius:

Re: Piedmont Pines Undergrounding Project

This letter is in response to your correspondence of April 1st, in which you expressed concerns regarding PG&E's Rule 20A tariff interpretation. Specifically, you had concerns with the streets that we have determined do not qualify under 20A, within the above referenced undergrounding project

The following bullet items address each concern, as well as our position:

- There must have been a misunderstanding when we walked the streets to determine if a street qualified. Janet Gardner and I made it very clear, that the traffic count you had asserted would meet the 20A traffic criteria, was questionable. I also explained, the Corporate Tariff and Law Departments would be involved in reviewing your proposal. Therefore, your conclusion that we were in agreement to the streets being identified as "heavy volume" of traffic is incorrect.
- The highlights you provided from our January 7 meeting were incomplete. I will recap the meeting in it's entirety. Rocco Colicchia, PG&E's 20A Program Manager, suggested that while your proposal to modify Oakland's Underground District Ordinance to specifically state a minimum number of trips per household might help substantiate qualification based on your proposed traffic count of eight trips per household, this would be insufficient. To qualify for Rule 20A allocations, subject streets must be identified as arterial or heavy collector streets on the City's general plan. Mr. Colicchia made it clear that it was not enough to modify the City's enabling ordinance but the streets must also be included within the Oakland Policy Plan and the plan map as arterial and heavy collector streets. In other words, this ordinance change would not be *exclusive* to Rule 20A undergrounding projects, but rather, would apply to the entire City Traffic Plan, affecting the definition of such streets as Arterial and Collector streets.
- Following this meeting, PG&E has reviewed the first "Draft Resolution". We believe that the proposed standard of eight daily vehicle trips per household cannot be considered a "heavy volume" of traffic as stated in the Tariff, nor does it meet the same standard (heavy volumes of traffic) in the Oakland Policy Plan. Consequently, your proposal to establish a standard for arterial or heavy collector streets does not meet the existing criterion.

The meeting with Mr. Jeeva, of Oakland's Traffic Engineering Department was very informative. During the meeting, we discussed a proposal for a 2nd Draft Resolution. You decided to have Traffic Engineering provide a definition of street(s) pertaining to undergrounding districts. I once again explained that this proposed Resolution would require PG&E Corporate Law and Tariff Department review. We have not received the 2nd draft, however, I have explained your proposal and we conclude that reliance on mere traffic counts alone cannot be considered valid, for the reasons previously discussed.

The enclosed list provides the 20A streets qualifying by the City Policy Plan definition. Additionally, I have included streets which would be included based on efficient engineering design. The remaining streets meet the Rule 20B criteria. The streets list and identification has the concurrence with Pacific Bell. This document also provides the streets we do not recommend undergrounding, due to potential slide areas and insufficient space to place substructures. As explained in my March 31 correspondence to Guy Navellier, we will require a Civil Engineering report before considering undergrounding our facilities, and the cost for this report is the responsibility of the sponsor for the project.

I can be reached at (925) 674-6503 or contact Rocco Colicchia at (415) 973-1064, if you have any further questions or concerns. PG&E is looking forward to working with the City of Oakland to ensure that this 20A/20B project is a success.

Sincerely,



Cindi Collins
Project Manager

cc: Rocco Colicchia - PG&E
Janet Gardner - Pacific Bell
Steve Grimes - PG&E
Victor Lassey - City of Oakland
Charles Lewis IV - PG&E
Guy Navellier - City of Oakland
Dick Spees - Councilmember, City of Oakland
Daniel Woldesenbet - City of Oakland

PIEDMONT PINES
PG&E'S PROPOSED 20A / 20B PROJECT STREETS

20A STREETS

HEAVILY TRAVELED ROADWAYS

MOUNTAIN BLVD., ASCOT DR., SKYLINE BLVD., CHELTON DR., CASTLE DR.,

ENGINEERING DESIGN PREFERENCES:

DARNBEY DR., CARISBROOK WAY - FROM DARNBY TO SKYLINE, CASTLE PARK WAY, WEYBRIDGE CT., CORNWALL CT., OSBORNE CT., CHELSEA - FROM CHELTON TO CLIVE, ASCOT CT., ASCOT LN., EL PATIO, MORLEY DR., BLACHFORD CT., CHELTON LN., CHATSWORTH CT., KESWICK CT., WEST SIDE OF KIMBERLY CT. - FED FROM CHELTON DR., #2 KIMBERLY CT. - FED OFF CHELSEA, BURTON DR., WILTON DR., WILTON CITY DR.

20B STREETS

MASTLANDS DR., HOLYROOD DR., HOLYROOD MANOR, MELVILLE DR., MELVILLE LN., WALDECK CT., CAMELFORD PL., MALL CT., LONGCROFT DR., CLIVE AVE., EXETER DR., STOCKBRIDGE DR., CARISBROOK WAY - FROM STOCKBRIDGE TO DARNBY DR., RYDEL CT., SHIRLEY DR., CHELSEA DR. - FROM CLIVE TO ASCOT AND FROM GIRVIN TO CHELTON, CHELSEA CT., THACKERY DR., TOTTERDELL DR., LARRY LN., HAVERHILL DR., CASTLE LN., LONGWALK DR., EAST SIDE OF KIMBERLY CT. - FED FROM HAVERHILL

20B STREETS Requiring Civil Engineering Review

WESTOVER DR., BAGSHOTTE DR., SCARBOROUGH, PELHAM PL. - THE CUL-DESAC OFF WESTOVER DR.