

# CHAPTER 2

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## INTRODUCTION

### 2.1 ENVIRONMENTAL REVIEW

Southern California Gas Company (“SCG”) and San Diego Gas and Electric (“SDG&E”) have filed applications with the California Public Utilities Commission (“CPUC” or “Commission”) to request authorization to implement a new tariff<sup>1</sup> service. The new tariff service (the “program”) would allow SCG/SDG&E to install conduit within its active gas pipelines using a proposed technology referred to as “fiber-in-gas” or “FIG.” The new service would establish tariff rates, terms and conditions allowing telecommunications carriers and cable television companies (“Carriers”) to place fiber optic cable in conduit previously installed by SCG/SDG&E in its active gas pipelines under new Schedule No. G-FIG.

As the agency responsible for regulation of public utilities in the State of California pursuant to Article XII of the Constitution of the State of California (Public Utilities Code Sections 227 and 228), the CPUC is the lead State agency responsible for California Environmental Quality Act (CEQA) compliance in evaluation of the proposed program (see CEQA Guidelines §15051). Although, the Commission issued its rules governing access to the right-of-ways of electric utilities by telecommunications firms in D.98-10-058, the Decision specifically excludes gas utilities from inclusion under the Access ruling. Even though the telecommunications and cable service access proposed by SCG/SDG&E is similar to that discussed in D.98-10-058, in numerous ways, it is distinguishable. The proposed program by SCG/SDG&E therefore warrants a full evaluation and Commission decision, therefore resulting in the application from SCG/SDG&E for a ruling allowing its proposed new service.

CEQA requires that before a decision can be made to approve a project with potentially significant environmental effects, an Environmental Impact Report (EIR) must be prepared that fully describes the environmental effects of the project. The EIR is a public informational document for use by governmental agencies and the public to identify and evaluate potential environmental consequences of a proposed project, to recommend mitigation measures to lessen or eliminate adverse impacts, and to examine feasible alternatives to the project. The information contained in the EIR is reviewed and considered by the governing agency prior to the ultimate decision to approve, disapprove, or modify the proposed project. Under CEQA requirements, the CPUC will determine the adequacy of the EIR once it is finalized and, if adequate, will certify the document as complying with CEQA.

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<sup>1</sup> A tariff defined for this project is a scale of rates or charges for an established service.

An Initial Study was prepared by the CPUC to assess which environmental issues would potentially be affected by SCG/SDG&E's proposal. The Initial Study evaluated potentially significant impacts associated with implementation of the proposed program and identified mitigation measures which, when incorporated into the program, would reduce impacts to less than significant levels. Therefore, the CPUC initially determined that a Mitigated Negative Declaration (MND) was the appropriate document for the proposed program under Section 15070 of the CEQA Guidelines. An MND was prepared and circulated for public and agency comment from November 7, 2002 to December 9, 2002.

However, following circulation and prior to adoption of the MND, the CPUC determined that although potentially significant impacts identified as consequences of the FIG proposal could be reduced to levels of insignificance, the size of the study area and also the conceptual nature of the new service and technology warranted preparation of an EIR. In addition, the CPUC has revisited issues and concerns regarding public safety. Additional information on the required testing and development of safety standards for the FIG technology, that was not available at the time the MND was circulated, is disclosed in this Draft EIR.

## 2.2 SCOPE OF THE EIR

The analyses provided in the EIR are conducted on a proposed FIG technology to be used for conduit installation within active gas lines throughout SCG/SDG&E's service territories, but no specific location or action is identified in the project. For this reason, the document is programmatic and conceptual in nature to study the potential effects FIG technology may have on the environment during FIG installation and operation.

The Initial Study (Appendix A) identified environmental issues that should be addressed in the EIR and environmental issues that could be excluded from further analysis. Therefore, this EIR focuses on only those environmental issues where a potentially significant impact may result from the FIG proposal.

Based on the Initial Study, the approval of the applications would have no impact or less than significant effects on the following areas:

- Agriculture
- Geology and Soils
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Population and Housing
- Recreation

The Initial Study indicates that the approval of the applications would have potentially significant impacts in the areas of:

- Aesthetics
- Air Quality
- Biological Resources

- Cultural Resources
- Hazards and Hazardous Materials (Public Safety)
- Noise
- Public Services
- Transportation and Traffic
- Utilities and Service Systems

This EIR provides the public and Responsible and Trustee Agencies with information about the potential effects, both beneficial and adverse, on the local and regional environment. In accordance with Section 15073 of the CEQA *Guidelines*, this document is being circulated to local, state and federal agencies and to interested organizations and individuals who may wish to review and comment on the document.

As previously mentioned, the CPUC circulated an MND to governmental agencies, and organizations and persons interested in the proposal for comments on the environmental issues addressed in the document. Responses to the MND related to environmental issues regarding the FIG proposal have been addressed in this Draft EIR. Although unrelated to environmental issues, several comments regarding franchise and rights-of-way agreements were also raised repeatedly in the comment letters on the MND. These issues are not addressed in detail in the EIR because they are not environmental issues required for evaluation or review under CEQA, but are instead legal issues of oversight from each local entity that requires an agreement of its laws.

SCG/SDG&E's practice of making, and their obligation to make, their excess space and capacity available to Carriers, is not a separate service from their electric or gas utility functions. It arises out of their control of vast numbers of poles, ducts, conduits and rights-of-way, which the Legislature of California and the Congress of the United States have declared should be made available to these telecommunications and cable TV uses on a nondiscriminatory basis. It is an adjunct of the utility's electric or gas business.

For years, SDG&E has made pole attachment licenses available to Carriers, with no request from any municipality that SDG&E obtain a separate franchise in order to offer this service. FIG is a service, comparable to a pole attachment, which SCG/SDG&E propose to make available to qualified customers, just like any other tariff service. SCG/SDG&E are not making their franchises or rights-of-way available to the Carriers. SCG/SDG&E will also obtain any required encroachment permits from the municipality in order for SCG/SDG&E to install the conduits, fittings, and any other necessary appurtenances in their pipelines. These appurtenances are simply slight modifications to their existing gas facilities. SCG/SDG&E will continue their present practices of obtaining all required encroachment permits from the municipalities for the installation of these appurtenances.

The Carriers must obtain any and all required federal, state and local "permits" or authorizations including but not limited to a Certificate of Public Convenience and Necessity, an encroachment permit from Caltrans or any county or city, a Notice of Intent from the California Regional Water Quality Control Board, a conditional use permit or a franchise, etc.

The EIR analyzes significant impacts associated with implementation of the proposed program and identifies the mitigation measures or processes needed to avoid or reduce each potential impact identified. FIG installation and related construction would be confined to the geographical scope of the study area as described and illustrated in the project description (Chapter 3) and evaluated in the EIR. No unauthorized construction requiring CEQA review would be permitted in areas beyond the scope of this document and outside the study area.

## **2.3 ORGANIZATION OF THIS DOCUMENT**

Chapter 1, Summary: The summary, which precedes this introduction, summarizes the EIR by providing an overview of the program, the environmental impacts that would result from FIG installation and operation, the mitigation measures identified to reduce or eliminate these impacts, and the alternatives to the FIG proposal.

Chapter 2, Introduction: describes the purpose of the EIR, the program overview and objective, CEQA lead and process, and areas of controversy.

Chapter 3, Project Description: describes the program including the location, description of the new service and technology, safety and operational issues, and regulatory environment.

Chapter 4, Environmental Setting, Impacts and Mitigation Measures: describes existing conditions (i.e., setting) throughout SCG/SDG&E's service territories, and analyzes the environmental impacts of the proposed program and recommended mitigation measures. Resource topics are discussed in the order they appear in the CEQA initial study checklist. For each resource topic, impacts are identified as less-than-significant or less-than-significant with mitigation, and mitigation measures are identified. This chapter also contains impact analyses that are appropriate on the programmatic level, rather than a specific area level as the analysis is conducted on a proposed technology to be used in SCG/SDG&E's service territories; no specific location or action is identified in the program. Resource areas that will not be affected by the proposed program are discussed and eliminated from further analysis.

Chapter 5, Report Preparation, Persons and Organizations Consulted, and References: identifies all individuals involved in preparation of this environmental assessment and references cited throughout the document.