



Scenic Highways

The CPUC's Role in Granting Deviations to PU Code §320

California Public Utilities Commission
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Public Utility Code §320

- The CPUC regulates undergrounding of utility facilities along scenic highways.
- “... it is the policy of this state to achieve, whenever feasible and not inconsistent with sound environmental planning, the undergrounding of all future electric and communication distribution facilities which are proposed to be erected in proximity to any...scenic highway...and which would be visible from such scenic highways if erected above ground.” (PUC § 320)
- “The commission shall prepare and adopt by December 31, 1972, a statewide plan and schedule for the undergrounding of all such utility distribution facilities in accordance with the aforesaid policy and the rules of the commission relating to the undergrounding of facilities.”





Deviations for Utilities

- If utilities cannot meet the requirements of § 320, they will need to request a “deviation” from the CPUC to construct aerial facilities along scenic highways
 - Deviation Process
 - Application
 - Notice/Protests
 - Time Frame
 - 3-6 months
 - Decision
- Or*
- Advice letter process





Approvals: Common Factors

- Cost discrepancies
 - Undergrounding vs. aerial
- Visual impact
 - Existing facilities
 - New construction vs. relocation/ repairs
- Public benefit
- Technical Requirements
- Environmental complications





Examples

- Next G Networks, Inc. (2006)
 - Fiber optic cable and related facilities on existing poles along Highway 50
 - Approved based on:
 - Cost difference:
 - Undergrounding: \$2.2 million
 - Aerial: \$370 thousand
 - Public benefit
 - Access to wireless services
 - Technical Requirements
 - Line-of-sight requirements for fiber





Examples

- AT&T (2003)
 - Apply aerial strand to existing poles along Highway 04-SON-116
 - Approved based on:
 - Cost difference:
 - Undergrounding: \$242.5 thousand
 - Aerial: \$67 thousand
 - Visual impact
 - Little adverse impact
 - Undergrounding would require placement of unsightly aboveground pedestals





Examples

- Pacific Bell (2000)
 - Relocation of poles along Highway 50 to accommodate Caltrans request
 - Approved based on:
 - Visual impact
 - Replacement of existing overhead facilities in the same location does not significantly alter visual impact





Examples

- Caltrans (2003)
 - Relocation of electric, telephone, and cable television facilities
 - Approved based on:
 - Cost difference:
 - Undergrounding: \$1.7 M
 - Aerial: \$287,000
 - Visual Impact
 - Relocation will not adversely affect visibility or aesthetics
 - Environmental complications
 - Bed rock, terrain, etc.





Cable and Video

- Internet Service Providers and Cable and Video providers are subject to PU Code §320, but require more local coordination to ensure compliance because of differing regulatory frameworks from traditional telecommunication carriers.





For More Information

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