

General Order 131-D Advice Letter Submission Guidance and Recommendations

This document constitutes the Energy Division staff's recommendations to minimize common requests for additional information, answer common questions, and provide general staff recommendations related to advice letters submitted pursuant to General Order (GO) 131-D Section III(B). This document does not represent any changes to GO-131 D's exemptions to the Permit to Construct requirement but is meant to streamline the Energy Division's review.

Frequently Requested Additional Documentation

For All GO 131-D Exemption Claims

In addition to the exemption specific recommendations below, when claiming any exemption, consistent with Section III(B)(2), explicitly state and provide substantiating documentation that none of the conditions specific in California Environmental Quality Act (CEQA) Guidelines Section 15300.2 exist:

- a. There is a reasonable possibility that the activity may 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.

For Exemption (a)

When claiming exemption pursuant to Section III(B)(1)(a), include documentation proving the in-service date of the power line facilities or substations prior to January 1, 1996, and proof that the power line facilities or substations were reported to the Commission in accordance with the Commission's decision adopting GO 131-D.

For Exemption (b)

When claiming exemption pursuant to Section III(B)(1)(b), include documentation and/or explanation showing how the replacement(s) will be equivalent facilities or structures. Ensure to clarify and illustrate project alignment profiles in sufficient detail when discussing adjustments to accommodate North American Energy Reliability Corporation (NERC) and/or GO-96 clearance requirements.

For Exemption (c)

When claiming exemption pursuant to Section III(B)(1)(c), provide plan drawings and/or detailed mapping illustrating how the project is up to 2,000 feet in length and/or illustrates the intersetting of additional support structures on existing lines.

For Exemption (d)

When claiming exemption pursuant to Section III(B)(1)(d), provide clear map(s) showing the route of the existing overhead lines and proposed underground route.

For Exemption (e)

When claiming exemption pursuant to Section III(B)(1)(e), provide clear mapping illustrating which already built supporting structures will the new additional conductors, insulators, or accessories be placed. Provide typical plan details illustrating where and how the new conductors, insulators, and/or accessories will be placed on the already built supporting structures.

For Exemption (f)

When claiming exemption pursuant to Section III(B)(1)(f), please see “Referencing CEQA Documents,” below for guidance on inclusion of CEQA documentation.

For Exemption (g)

When claiming exemption pursuant to Section III(B)(1)(g), due to the project being located within an existing franchise, road-widening setback easement, or public utility easement, provide the relevant franchise, road-widening setback easement, or public utility easement documentation. Provide mapping of the project location in relationship to the noted franchises and/or easements. Maps should be at a scale sufficient to differentiate the project location from the boundaries of the utility corridor on the map.

When claiming exemption pursuant to Section III(B)(1)(g), due to the project(s) being located in a utility corridor designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies for which a of final Negative Declaration or Environmental Impact Report finds no significant unavoidable environmental impacts, provide the relevant utility corridor designation and adoption documents, mapping of the project location in relationship to the utility corridor boundaries, and the appropriate CEQA document(s). Maps should be at a scale sufficient to differentiate the project location from the boundaries of the utility corridor on the map.

For the officially adopted utility corridor, provide either:

1. A copy of the relevant utility corridor documentation, designation, official mapping of the corridor, and decision document from the adopting agency, such as decisions made by local commissions or decision-making bodies or decision documents issued by federal or state agencies, or
2. A direct hyperlink to a publicly accessible copy of the referenced utility corridor.

When the relevant utility corridor information is embedded within a larger document, such as a series of appendices to a larger document or part of a published commission or governing body agenda binder, provide detailed instructions of where within the larger file the relevant document is, such as noting the page of a larger combined pdf file where the document begins. Such references will make it easier for the Commission’s staff to verify and confirm the documentation and exemption claimed.

For the CEQA documentation, please refer to “Referencing CEQA Documents” below for guidance on inclusion of CEQA documentation.

Referencing CEQA Documents

When referring to CEQA documentation, such as for Exemption F or for officially designated utility corridors as described in Exemption G, provide either:

1. a copy of the relevant final CEQA document and filed Notice of Determination, or
2. a direct hyperlink to a publicly accessible copy of the referenced certified CEQA document and filed Notice of Determination.

Reference to the Governor's Office of Planning and Research's State Clearinghouse for the Notice of Determination, if the NOD was filed there, is acceptable. References to the State Clearinghouse for the Final CEQA Document is acceptable if a digital copy of the relevant CEQA document is available for download from the State Clearinghouse.

When the relevant CEQA documentation is embedded within a larger document, such as a series of appendices to a larger document or part of a published planning commission or governing body agenda binder, provide detailed instructions of where within the larger file the relevant document is, such as noting the page of a larger combined pdf file where the document begins. Such references will make it easier for the Commission's staff to quickly verify and confirm the documentation and exemption claimed.

If relying upon an Environmental Impact Report for a larger project where significant and unavoidable environmental impacts will occur, an explanation how the proposed electric power line facilities or substation activities will not substantially contribute to the significant and unavoidable significant effects.

Resolving Protests

When a protest is received, it must be resolved by a resolution. While GO 131-D allows for an Executive Resolution issued by the Executive Director to resolve a protest, GO 96-B's procedures govern and expand specific procedures for advice letter submittal, processing, and resolution by the Energy Division. Specifically, GO 96-B notes that a party to the advice letter may request any disposition resolving a protest taken by the Energy Division be heard by the Commission. When such a request is received, it must be honored, and a formal resolution must be drafted by the Energy Division for hearing and vote by the Commission.

Due to this multi-layered set of resolutions, the Energy Division proactively brings all resolutions resolving protests brought under GO 131-D to be heard and voted upon by the Commission to bring finality to the advice letter's disposition as quickly as possible.

Timing of Advice Letter Submissions

IOUs are strongly encouraged to submit advice letters earlier than 30 days prior to construction to account for potential delays in the Energy Division completing its review. For example, if a protest is received or additional information is requested, the advice letter disposition may be delayed until the protest and/or information request is adequately resolved. The Energy Division staff does not wish to cause undue delays to construction projects, which may lead to additional project costs, but must have sufficient information to complete its review and follow appropriate procedures to resolve any protests received. If the advice letter construction activities require an electric line or transmission line to be taken out of service, please submit the advice letter with enough lead time to accommodate the outage windows allowed by the California Independent System Operator (CAISO).

Early submission of advice letters will minimize the likelihood of schedule impacts to your project.