

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

Application of San Diego Gas & Electric
Company (U 902 E) for Approval Pursuant
to Public Utilities Code Section 851 to
Transfer Portions of a 138-kV Power Line
Easement to DMB San Juan Investment
North, LLC.

A.19-10-
(Filed October 16, 2019)

**APPLICATION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902 E)
FOR AN ORDER AUTHORIZING THE TRANSFER OF PORTIONS OF A 138-KV
POWER LINE EASEMENT WAY IN ORANGE COUNTY TO DMB SAN JUAN
INVESTMENT NORTH, LLC PURSUANT
TO PUBLIC UTILITIES CODE SECTION 851**

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October 16, 2019

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**I.
INTRODUCTION**

Pursuant to Section 851 of the California Public Utilities Code and the Rules of Practice and Procedure of the California Public Utilities Commission (“Commission”), San Diego Gas & Electric Company (“SDG&E” or “Applicant”) respectfully requests authority to quitclaim portions of an existing 138 kilovolt (“kV”) electric power line easement located immediately east of the City of San Juan Capistrano (the “Property”) to DMB San Juan Investment North, LLC, (“Buyer”) in exchange for a new 138-kV electric power line easement located in close proximity to the Property (“New Easement”). True and correct copies of the legal descriptions prepared for the Property and New Easement are attached as Exhibits A and B, respectively. Furthermore, pursuant to General Order (“G.O.”) 131-D, Section XI., Paragraph B.4., SDG&E hereby submits a notice of construction of Tie Line (“TL”) 13831 in the New Easement identified above.

II. **BACKGROUND**

SDG&E's existing 138-kV electric power line easement is 100 feet wide and was originally established in 1993 (the "Existing Easement"). A portion of the Existing Easement (approximately 13.377 acres) is comprised of and encompasses the Property. The New Easement that Buyer will dedicate to SDG&E is 100 feet wide, encompasses 11.121 acres and will be utilized by SDG&E for the operation and maintenance of its relocated 138kV power line. Specifically, SDG&E will relocate those portions of the Existing Easement facilities that are currently located within the Property to the New Easement. Buyer will be responsible for all costs associated with the relocation of the affected power line facilities from the Property to the New Easement. The Property and New Easement are in the same general vicinity, are composed primarily of raw and agricultural land, and are contained within or adjacent to the same Master Plan area. The Property and New Easement are situated within and/or adjacent to the southerly portion of Planning Area 3 and partially within the RMV Habitat Reserve of the master planned community of Rancho Mission Viejo, which lies immediately east of the City of San Juan Capistrano, California. *See Exhibit C, Map of Proposed Construction Area, for reference.*

The purpose underlying the proposed easement relocation is to support an important transportation project in south Orange County. Specifically, relocation will facilitate implementation of infrastructure improvements for Cow Camp Road, a regional arterial highway providing connections to State Highway 74, Los Patrones Parkway, and Antonio Parkway. As more fully discussed below, the RMV Project (defined below) was analyzed in the Environmental Impact Report ("EIR") Addendum to the "Ranch Plan" (a comprehensive land-use program originally approved by the County of Orange in 2004 –

see below), ensuring there is full disclosure of all aspects of the RMV Project and because SDG&E would need to relocate the power line.

As a result, RMV Community Development (an affiliate of Buyer [“RMVCD”]) has entered into a Construction Management Agreement with the County of Orange, which designated RMVCD with authority to act on behalf of the County of Orange for implementation of Cow Camp Road. Also, RMV PA3 Development, LLC, (another affiliate of Buyer [“RMVPA3”]) has entered into a Relocation Agreement with SDG&E for those portions of the Existing Easement facilities that are currently located within the Property to the New Easement, to facilitate the construction of Cow Camp Road.

The Ranch Plan, is a 22,815-acre Planned Community allowing for the development of 14,000 dwelling units and 5,200,000 square feet (“sf”) of employment uses and associated infrastructure, including but not limited to construction of new roadways, water, sewer, gas, and electricity facilities. Final Program Environmental Impact Report (“FEIR”) 589 was certified by the Orange County Board of Supervisors on November 8, 2004, as adequately addressing the potential environmental impacts associated with the development of the Ranch Plan.

Buyer has offered to dedicate a 100-foot-wide, 11.121-acre easement to SDG&E (*i.e.*, the New Easement) in exchange for SDG&E’s quitclaim of a 13.377-acre portion of the existing 100-foot-wide SDG&E easement (*i.e.*, the Property). The parties made and entered into easement agreements subject to the Commission’s approval pursuant to Section 851 of the California Public Utilities Code (“PU Code”). The accounting treatment for financial proceeds from the sale of the Property, if any, will be distributed in accordance with the Commission’s adopted Gain on Sale allocation process described in more detail in Section III.G below.

III.
COMPLIANCE WITH THE COMMISSION'S
RULES OF PRACTICE AND PROCEDURE

SDG&E provides the following information in compliance with the Commission's Rules of Practice and Procedure:

A. Identity of All Parties to the Proposed Transaction (Rule 2.1)

San Diego Gas & Electric Company, Seller
8306 Century Park Ct.
San Diego, CA 92123
Attn: Elizabeth Cason
Telephone: (858) 654-1560
E-mail: ecason@semprautilities.com

DMB San Juan Investment North, LLC, Buyer
28811 Ortega Highway
San Juan Capistrano, CA 92693
Attn: Elise Millington, CFO
Telephone: (949) 240-3363
E-mail: emillington@ranchomv.com

B. Applicant Information – Rules 2.1(a), 2.1(b), and 3.6(a)

San Diego Gas & Electric Company is a corporation organized and existing under the laws of the State of California. The location of SDG&E's principal place of business is 8306 Century Park Court, San Diego, California 92123. SDG&E is an investor-owned utility engaged in the purchase, sale, and transmission of gas and electricity in San Diego County, and of electricity in a small portion of Orange County, California. For over 100 years, SDG&E has generated, transmitted and distributed safe and reliable energy to individuals, businesses, and institutions.¹

DMB San Juan Investment North, LLC ("Buyer") is a Delaware limited liability company. DMB is an affiliated entity of the "Rancho Mission Viejo" - a privately held ranching, farming, and real estate development company, owned by the O'Neill-Avery-Moiso family since 1882. The landholdings of the Rancho Mission Viejo (commonly known as the "Ranch") are located in the southern region of Orange County, California.² RMVCD (on behalf of Rancho Mission Viejo) has been designated by the County of

¹ See, www.sdge.com/aboutus/.

² See, www.ranchomissionviejo.com.

Orange for implementation of Cow Camp Road, a public arterial highway, to serve regional and local benefits.

Correspondence or communications regarding this Application should be directed to:

San Diego Gas & Electric Company (Seller)

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San Diego, CA 92123
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E-mail: ecason@semprautilities.com

DMB San Juan Investment North, LLC (Buyer)

Elise Millington, CFO
28811 Ortega Highway
San Juan Capistrano, CA 92693
Telephone: (949) 240-3363
E-mail: emillington@ranchomv.com

C. Articles of Incorporation and Financial Statements — Rules 2.2 and 2.3

Incorporated herein by reference is a certified copy of the Restated Articles of Incorporation of SDG&E presently in effect and certified by the California Secretary of State, which were filed with the Commission on September 10, 2014 in connection with SDG&E's Application No. 14-09-008. Attached as Exhibit D is a copy of SDG&E's most recent quarterly balance sheet and income statement.

D. CEQA Compliance — Rule 2.4

FEIR 589, was certified by the Orange County Board of Supervisors on November 8, 2004, as adequately addressing the potential environmental impacts associated with the development of the "Ranch Plan," a 22,815-acre Planned Community allowing for the development of 14,000 dwelling units and 5,200,000 sf of employment uses and associated infrastructure, including but not limited to construction of new roadways, water, sewer, gas, and electricity facilities.

FEIR 589 and the subsequent Addendum prepared in relation thereto (see below) addressed the impacts associated with the realignment of existing power lines and did not identify any significant impacts associated with those actions. The evaluation in FEIR 589 was at a programmatic level for the entire Ranch Plan. The County of Orange as the California Environmental Quality Act (“CEQA”) Lead Agency for the subsequent land development approvals required preparation of an Addendum for the Planning Areas 3 and 4 Master Area Plans, Subarea Plans, and Associated Infrastructure, which included the proposed relocation of the 138-kV line in the vicinity of Planning Area 3 (the “RMV Project”). No significant, unavoidable environmental impacts associated with the relocation of the power line were identified in either FEIR 589 or the Addendum for Planning Areas 3 and 4 Master Area Plans, Subarea Plans, and Associated Infrastructure. These documents were approved by the County of Orange as the Final CEQA documents for actions associated with Planning Areas 3 and 4 and the associated infrastructure. Reliance on these previous environmental documents as the basis for an exemption from G.O. 131-D, Section III.B, Permit to Construct (“PTC”) requirements is appropriate because the relocation of the subject 138-kV power line was addressed as part of previously certified and approved CEQA documents prepared by the County of Orange.

The relocation of the 138-kV power line would have no significant unavoidable impacts on the environment. The RMV Project would not result in substantial changes to the approval addressed as part of the Ranch Plan in FEIR 589, the Addendum prepared for the Master Area Plan and Subarea Plans for Planning Areas 3 and 4 and Associated Infrastructure Improvements, or the Southern Subregion Habitat Conservation Plan (“SSHCP”) evaluated in FEIR 584 (for biological resources). There are no substantial changes that would occur that would require major revisions to the previous FEIRs, and no

new information of substantial importance has been revealed since the certification of FEIRs or the Addendum. SDG&E's approval of the relocation of the power line and adjustment to the SDG&E easement were identified by the County of Orange (the CEQA Lead Agency for the Ranch Plan and Cow Camp Road Project) as an intended use of the Addendum. In approving the Addendum as a final CEQA document for the Planning Areas 3 and 4 and associated infrastructure improvements, the County of Orange recognized that the relocation of the power line was adequately addressed pursuant to CEQA. Therefore, since none of the conditions described in Section 15162 of the State CEQA Guidelines calling for preparation of a Supplemental or Subsequent environmental document are applicable, reliance on FEIR 589, FEIR 584, and the Addendum as the relevant documents for CEQA compliance is appropriate.

As stated above, although the County of Orange has no discretionary approval authority over the SDG&E activities, the County of Orange identified and addressed the relocation of the existing SDG&E power line and construction of other distribution facilities as part of the Addendum for Planning Areas 3 and 4 to ensure there is full disclosure of all aspects of the RMV Project and because SDG&E would need to relocate the power line prior to the development of Planning Areas 3 and 4. In approving the Addendum, the County of Orange recognized that the relocation of the power line was adequately addressed pursuant to CEQA. The County of Orange also approved a CEQA Memo dated March 27, 2017, entitled "Relocation of the San Diego Gas & Electric 138 Kilovolt Transmission Line," which further confirmed that the relocation of the 138-kV power line in the proximity of Planning Area 3 of the Ranch Plan Planned Community has been addressed as part of CEQA documents prepared for a larger project. The relocation of the power line was evaluated as part of the Ranch Plan Final EIR 589 and Addendum 3.1

to Final EIR Nos. 584 and 589: The Ranch Plan, Planning Areas 3 and 4, Master Area Plan, Subarea Plans 3.1 Through 3.8 and 4.1, Infrastructure Improvements (Cow Camp Road and “K” Street) (PA 140072-140081, ST1040018, ST140019). No significant unavoidable impacts associated with the relocation of the power line were identified. Finally, an Addendum to the CEQA Memo dated November 17, 2017, was also provided to the County of Orange that addressed minor modifications to the TL 13831 relocation pad locations, which did not fundamentally change the design characteristics of the 138-kV power line proposed for relocation. Therefore, relocation of the 138-kV power line would be consistent with the above stated exemption in G.O. 131-D, Section III.B.1.f because it was addressed as part of a larger project, for which the final CEQA document finds no significant, unavoidable environmental impact caused by the proposed line.

Because the County of Orange has already completed a CEQA review of the environmental impacts of the entire project, encompassing both the Property and the overall Ranch Plan, and has certified the FEIRs and Addendum, the Commission is in the role of responsible agency for purposes of CEQA.

As a responsible agency, the Commission would typically make findings for each significant environmental impact identified, and the feasibility of the mitigation measures imposed. However, the Commission only needs to make such findings for the specific project that is before it for approval, which is the quitclaiming of the Property to RMV, not RMV’s development of its adjacent property, as the Commission is not approving that project. (*See*, D.01-08-069, pp. 24-25.)

E. Description Of The Property Involved In The Transaction, Including Book Cost And Original Cost — Rule 3.6(b)

The property interest SDG&E proposes to quitclaim is a portion of an existing 138-kV electric power line easement. The portion of the easement area proposed for quitclaim

("the Property") is situated within and/or adjacent to the southerly portion of Planning Area 3 and the RMV Habitat Reserve of the master planned community of Rancho Mission Viejo immediately east of the City of San Juan Capistrano, California. The Property includes the 138-kV facilities that SDG&E will relocate to the New Easement.³

The Property comprises a portion of a larger easement that was acquired by SDG&E in 1993.⁴ The Property to be quitclaimed consists of a 138-kV electric power line easement situated within and/or adjacent to the southerly portion of Planning Area 3 and the RMV Habitat Reserve of the master planned community of Rancho Mission Viejo immediately east of the City of San Juan Capistrano, California. The original cost of the Property was \$8,036.09 and the Net Book Value of the Property as of July 2019 is \$5,590.25.

An appraisal by an independent appraiser retained by SDG&E, with a valuation date of August 27, 2019, valued the Property at \$5,864,850. (*See Exhibit F*).

³ SDG&E also proposes to quitclaim a portion of its existing 12kV electric distribution easement, a copy of which is attached hereto as Exhibit E (the "Distribution Easement") The Distribution Easement provides that "Grantor [Buyer] shall have the right, from time to time, to cause Grantee [SDG&E] to relocate (and, upon such request, Grantee shall relocate) any and all facilities, equipment and other property of Grantee within the Easement Area to another easement area acceptable to Grantee and owned by Grantor or any affiliate thereof provided, in any and all such events, the costs and expenses of any and each such relocation (i) shall not be borne by, or otherwise be the liability of, Grantee and (ii) shall be paid by Grantor." The existing 12kV electric facilities in this portion of the existing distribution easement are no longer necessary and useful; therefore, the existing facilities will be removed from service prior to quitclaim of the Distribution Easement. Grantor (Buyer) will compensate Grantee (SDG&E) for any costs associated with the quitclaim of the Distribution Easement and no cost incurred for the removal or reconfiguration of any existing 12kV facilities will be attributed to ratepayers.

⁴ The Existing Easement is comprised of four (4) individual easements recorded in the Official Records of Orange County, California; namely: (i) Instrument No. 93-0091213 recorded on February 10, 1993; (ii) Instrument No. 93-0091214 recorded on February 10, 1993; (iii) Instrument No. 93-03266646 recorded on May 14, 1993; and (iv) Instrument No. 93-0091210 recorded on February 10, 1993. Said easements are the subject of that Amendment to Easements recorded on July 29, 2013 as Instrument No. 2013000450856.

F. Detailed Reasons Upon the Part of Each Applicant for Entering Into the Proposed Transaction, and All Facts Warranting the Same — Rule 3.6(c)

RMVCD (an affiliate of Buyer) has entered into a Construction Management Agreement with the County of Orange, which designated RMVCD with authority to act on behalf of the County of Orange for implementation of Cow Camp Road. Also, RMVPA3 (another affiliate of Buyer) has entered into a Relocation Agreement with SDG&E to relocate a portion of the 138-kV transmission line, to facilitate the construction of Cow Camp Road. Buyer is the owner of the property located adjacent to Cow Camp Road and plans to develop it in accordance with the Ranch Plan entitlements. Buyer approached SDG&E and asked SDG&E to relocate its existing facilities from the Property to the New Easement to facilitate implementation of infrastructure improvements for Cow Camp Road. The removal and relocation of existing facilities into the New Easement is considered and included in the EIR Addendum to ensure there was full disclosure of all aspects of the RMV's development project and because SDG&E would need to relocate the power line.

The proposed quitclaiming of the Property will not have an adverse effect on the public interest because SDG&E will be fully compensated for any difference in value between the Property and the New Easement as determined by the appraisal report and because SDG&E will receive a comparable easement in exchange that it will use for the relocated electric facilities. The Buyer's proposed use of the Property will not interfere in any way with the continued safe provision of utility services.

G. Purchase Price and the Terms for Payment — Rule 3.6(d)

Buyer has agreed to compensate SDG&E \$1,995,571 for the difference in values between the Property and the New Easement as determined by the August 30, 2019,

updated appraisal report attached hereto as Exhibit F, upon satisfaction of all conditions precedent to the contract.

SDG&E requests that the Commission allocate the financial proceeds in accordance with Commission decision (D.06-12-043),⁵ which determines SDG&E's process for allocating gains and losses on the sale of certain utility assets formerly used to serve utility customers. Pursuant to Ordering Paragraph 13 of D.06-05-041 (which was modified by D.06-12-043) "Electric utilities shall allocate gains of transmission property according to the rules of the Federal Energy Regulatory Commission." Because the Property at issue is a depreciable asset, any gain or loss associated with this proposed transaction should flow to SDG&E ratepayers.

H. Purchase Agreement — Rule 3.6(f)

Pursuant to Rule 3.6(f), copies of the New Easement and Quitclaim are appended hereto as Exhibit G.

I. Category, Need for Hearing, and Issues to be Considered (Rules 2.1c and Rule 7.1)

1. Proposed Category

SDG&E proposes that this Application be designated as a "ratesetting" proceeding.

2. Need for Hearings

SDG&E does not believe the application raises materially contested issues of fact and therefore no hearing is required. SDG&E and Buyer request that the Commission grant the request for approval of the sale under PU Code Section 851. SDG&E has included in this application all the supporting information required to show that the sale is in the public interest. Consequently, SDG&E respectfully requests that the Commission process this application on an *ex parte* basis.

⁵ D.06-05-041 as modified by D.06-12-043.

3. Issues to be Considered

The primary issue is approval of SDG&E’s application to quitclaim a portion of its existing easement to Buyer under PU Code Section 851, and secondly, approval of SDG&E’s proposed allocation of the sale proceeds to SDG&E ratepayers.

4. Proposed Schedule

The Applicants respectfully propose the following procedural schedule:⁶

October 16, 2019:	Filing of Application
Notice + 30 days:	Protests due
+ 10 days:	Reply due (if needed)
+ 30 days:	Proposed Decision
+ 30 days:	Commission Decision

J. Service

Pursuant to Rule 1.10 (c) of the Commission’s Rules of Practice and Procedure, this Application is being served via the link provided below to those parties that appear on the official service list for SDG&E’s most recent General Rate Case Application No. A.17-10-007. The Applicant will provide copies of the Application to additional parties upon request or as directed by the Commission. <https://www.sdge.com/node/14676>

K. Notice of Proposed Construction

Pursuant to G.O. 131-D, Section XI., Paragraph B.4., SDG&E hereby submits a notice of construction of the TL 13831 in the New Easement (“Proposed Construction”). The Proposed Construction is exempt from G.O. 131-D, Section III.A., Certificate of Public Convenience and Necessity requirements because all the facilities are designed to operate below 200 kilovolts. The Proposed Construction is also exempt from G.O. 131-D, Section III.B, Permit to Construct requirements because it qualifies for the following

⁶ This schedule assumes that the application is uncontested, and that neither hearings nor briefings are required.

exemption under G.O. 131-D, Section III.B.1, and there are no exceptions to the exemption.

- Section III.B.1.f – “power lines or substations to be relocated or constructed which have undergone environmental review pursuant to CEQA as part of a larger project, and for which the final CEQA document (Environmental Impact Report (EIR) or Negative Declaration) finds no significant unavoidable environmental impacts caused by the proposed line or substation.”

In compliance with the noticing requirements found in G.O. 131-D, Section XI., Subsections B and C, this application provides a copy of the Notice of Proposed Construction (Exhibit H) and the Notice Distribution List (Exhibit I).

1. Project Description

The Proposed Construction would remove existing facilities, which consist of 14 poles (2 steel, 12 wood) and associated conductors, hardware, and access facilities within an existing 100-foot-wide easement and replace them with 10 galvanized engineered pier foundation steel poles and associated conductors and hardware. Existing poles have an average height of 81 feet and new poles would have an average height of 92 feet, an increase of approximately 14 percent. Prior to installation, reinforced concrete foundations would be constructed for each new steel pole. Access roads will be approximately 14 feet wide and suitable for heavy utility vehicles to allow routine maintenance. Construction of these roadways would be conducted in accordance with guidelines for new construction of access roads as provided by SDG&E. Temporary storage and stringing sites would be located within the RMV planned community development area identified in FEIR 589 or as being disturbed, developed, or bare ground. The staging yard site will be temporary and fenced during the construction period.

Pending approval of this application, SDG&E would remove the existing overhead structures and vacate the Existing Easement. The proposed staging yard is located on customer-owned property that has been considered in the FEIR 589.

2. Potential Environmental Impacts

The potential environmental impacts associated with the Proposed Construction are discussed in Section D., above. The relocation of the 138-kV power line would be consistent with the above-stated exemption in G.O. 131-D, Section III.B.1.f because it was addressed as part of a larger project for which the final CEQA document finds no significant unavoidable environmental impacts caused by the Proposed Construction.

3. Magnetic Field Management

The Commission requires utilities to consider “no-cost” and “low-cost” magnetic field management measures on all new transmission and power line projects. SDG&E will implement magnetic field management measures on this Proposed Construction, as appropriate and required, in accordance with its *EMF Design Guidelines for Electrical Facilities* (Guidelines), as filed with the Commission in compliance with Decision (D.) 93-11-013 and updated in compliance with D.06-01-042.

“No-cost” measures are those that will not increase overall project costs but will reduce the magnetic field levels. “Low-cost” measures are those costing in the range of 4% of the total budgeted project cost which would reduce the magnetic field levels by at least 15% at the edge of Right-of-Way.

SDG&E will provide a Magnetic Field Management plan for this Proposed Construction upon request.

**IV.
CONCLUSION**

Wherefore, the Applicant respectfully requests that the Commission issue an order:

1. accepting its application as complete;
2. authorizing Applicant, under Section 851, to quitclaim the property rights described herein, subject to the terms and conditions of the Quitclaim (*see*, Exhibit G);
3. granting SDG&E authority construct the proposed TL 13831 project, as described in this Application and the supporting documents; and
4. granting such other and further relief as the Commission deems proper.

Respectfully submitted this 16th day of October 2019.

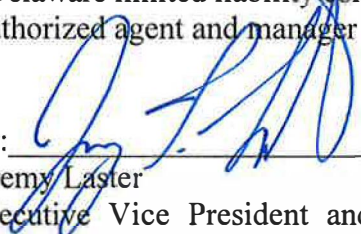
/s/ Elizabeth Cason

Elizabeth Cason
8306 Century Park Ct.
San Diego, CA 92123
Telephone: (858) 654-1560
E-mail: ecason@sdge.com
Attorney for
San Diego Gas & Electric Company

Signature of Buyer:

DMB San Juan Investment North, LLC,
a Delaware limited liability company

By: Rancho Mission Viejo, LLC,
a Delaware limited liability company
Its: Authorized agent and manager

By: 

Jeremy Laster
Executive Vice President and Chief
Operating Officer

By: 

Elise Millington
Executive Vice President and Chief
Financial Officer


VERIFICATION

I, the undersigned, say:

I am an officer of SAN **DIEGO GAS & ELECTRIC COMPANY**, a corporation, and am authorized to make this verification for and on behalf of **SAN DIEGO GAS & ELECTRIC COMPANY**, and I make this verification for that reason. I have read the foregoing application, am informed and believe the matters therein are true, and, on that ground, allege that the matters stated herein are true.

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

Executed at San Diego, California, this 16th day of October 2019.



William Speer
Vice President, Electric Engineering and
Construction

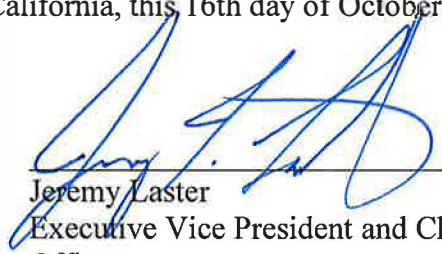
VERIFICATION

I, the undersigned, say:

I am the Executive Vice President and Chief Operating Officer of **RANCHO MISSION VIEJO, LLC**, a Delaware limited liability company, which entity is the authorized agent and manager of **DMB SAN JUAN INVESTMENT NORTH, LLC**, and am authorized to make this verification for and on behalf of **DMB SAN JUAN INVESTMENT, LLC**, and I make this verification for that reason. I have read the foregoing application, am informed and believe the matters therein are true, and, on that ground, allege that the matters stated therein are true.

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

Executed at San Juan Capistrano, California, this 16th day of October 2019.



Jeremy Laster
Executive Vice President and Chief Operating
Officer