



Liberty Utilities (CalPeco Electric) LLC
933 Eloise Avenue
South Lake Tahoe, CA 96150
Tel: 800-782-2506
Fax: 530-544-4811

November 17, 2022

VIA EMAIL ONLY
EDTariffUnit@cpuc.ca.gov

**Advice Letter 205-E
(U-933-E)**

California Public Utilities Commission
Energy Division
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298

**Subject: Notice of Construction, Pursuant to General Order 131-D, for the
Construction of Liberty's Portola Substation Rebuild Project in the City of
Portola**

Purpose

Liberty is submitting this notice pursuant to California Public Utilities Commission (CPUC) General Order (G.O.) 131-D, Section XI, Subsection B.4, of the construction of facilities that are exempt from a Permit to Construct, for the Portola 60 Kilovolt (kV) Substation Rebuild Project (Project) in the City of Portola, California.

The following are attached to this advice letter as required by G.O. 131-D, Section XI:

- Attachment A: Notice of Proposed Construction

Background

The Project includes decommissioning and removing the existing 60 kV Portola Substation and rebuilding it to the same 60 kV capacity within the existing parcel. The Project also includes work outside of and adjacent to the parcel, including the undergrounding of tie-ins, installation of a junction box, and replacement of the existing fence surrounding the substation parcel (i.e., the perimeter fence). The Project will increase system safety and reliability of Liberty's electrical grid by replacing aging equipment and raising the elevation of the substation to avoid potential future flooding of the facility.

Liberty plans to begin by removing the existing equipment and facilities within the substation parcel that are not energized or connected to energized equipment. Once the clearing and demolition of non-essential facilities is complete, the existing perimeter fence on the north and east sides will be removed during the construction phase to allow for grading activities. Grading will be conducted within and immediately next to the substation within the same parcel to bring

the parcel up to the same elevation as the adjacent roads, Fourth Avenue and Gulling Street, on the north and east sides, respectively. Grading will reduce the risk of flooding and inundation, which have been experienced in the past, most notably in 2016 when a heavy rainstorm flooded the substation resulting in standing water in a depressed area of the property.

After grading has been completed, the new substation will be constructed within the existing parcel. Additionally, the existing overhead tie-ins for Lines POR-32 and POR-619, which are located outside of the substation perimeter fence line, will be undergrounded. More specifically, work will include burying approximately 50 feet of the existing Line POR-32 that runs parallel to the north and east perimeter fence lines and crosses Fourth Avenue to an existing pole on the north side of the street. Additionally, approximately 45 feet of Line POR-619 that runs parallel to the south and east perimeter fence lines and crosses Gulling Street to tie-in to existing wood poles on the east side of the street will be buried from the northeast corner of the substation parcel to a new junction box to be installed on the east side of Gulling Street. The new junction box will be installed adjacent to Gulling Street, replacing two existing wood poles with existing 14.4 kV overhead wire.

Liberty will remove the remaining existing substation equipment and other facilities after the new substation is energized and in service. Following the completion of construction activities, the existing 6-foot-tall perimeter fence around the substation parcel will be replaced around the new substation facilities. The new fence will be 10 feet tall topped with barbed wire.

Desktop studies and site visits were conducted to determine the potential for sensitive biological and cultural resources within the Project area. After conducting a literature search, biologists conducted a biological site survey on May 5, 2022 and concluded that the Project is not located within critical habitat and no waterways or wetlands will be impacted by Project activities. One jurisdictional waterway is located parallel to Gulling Street east of the substation parcel. This jurisdictional waterway is an unnamed creek that flows into Middle Fork Feather River.

Construction activities will not encroach upon the bed or bank of the waterway; therefore, the Project will not result in any direct impacts. No wetlands were identified in the Project vicinity. To limit any potential impacts to water quality, Liberty will implement a Stormwater Pollution Prevention Plan (SWPPP) that will be developed by a Qualified SWPPP Developer. With the implementation of the SWPPP, no impacts to nearby waterways are anticipated.

A cultural records search and site survey was conducted by Broadbent and Associates, Inc. on July 1, 2022. Based on the records search and site visit, no cultural or historic resources were identified within the Project area; therefore, no impacts to cultural or historic resources are anticipated.

Exemption Under G.O. 131-D

CPUC G.O. 131-D, Section III, Subsection B.1, exempts a utility from the CPUC's requirement to file an application requesting authority to construct if a project meets specific conditions. The Project qualifies for the following exemption(s):

- b. "the replacement of existing power line facilities or supporting structures with equivalent facilities or structures."
- c. "the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures."
- d. "the conversion of existing overhead lines to underground."

The Project involves the replacement of an existing substation and the undergrounding of two existing power lines of 95 feet in total length.

None of the exceptions to the exemptions in Section III B.2, as specified in California Environmental Quality Act Guidelines Section 15300.2, are relevant to the Project; therefore, the Project is not disqualified from the Notice of Construction process. The exceptions in Section III B.2 do not apply for the reasons noted:

- a. There is a reasonable possibility that the activity may impact an environmental resource of hazardous or critical concern where designated, precisely mapped and officially adopted pursuant to law by federal, state, or local agencies.

Discussion: No federally or state-designated critical habitat for any special-status species exists within the Project area, as confirmed by a desktop review of federal, state, and local sources, including the United States (U.S.) Fish and Wildlife Service, California Department of Fish and Wildlife, and the California Native Plant Society. Additionally, the Plumas County General Plan and City of Portola resource maps were reviewed for locally mapped resources; no potentially sensitive environmental resources were identified. As described previously, a site visit was conducted on May 5, 2022 where a jurisdictional waterway located parallel to Gulling Street and east of the Project area was identified and confirmed to be avoidable. As also previously described, no cultural or historic resources are located in the Project area. Similarly, a Phase I Environmental Site Assessment, conducted in June and July of 2022, determined that no hazardous materials are located within the Project area. No other designated, mapped, and/or officially adopted resources of hazardous or critical concern are known to occur in the Project area.

- b. The cumulative impact of successive projects of the same type in the same place, over time, is significant.

Discussion: Liberty is not aware of any other projects of the same type in the same place that would result in significant cumulative impacts. Moreover, the Project would reduce the frequency of maintenance and repairs, as well as the potential requirement to install additional substations in the area to meet increases in demand in the future.

- c. There is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

Discussion: The Project does not have a reasonable possibility of resulting in a significant effect on the environment due to unusual circumstances. In *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, the California Supreme Court found that, to apply this exception, the lead agency must find both (a) an unusual circumstance that makes this project different from others in the class, and (b) a reasonable possibility of a significant impact due to that unusual circumstance (Id. at 1104-1105). Thus, the first question is whether there is an unusual circumstance that would make the Project different from others in the class.

Liberty is continually undertaking removal and replacement projects throughout its territory, most of which require replacement, removal, and/or addition of power lines and substation facility upgrades, as well as the undergrounding of tie-ins. Numerous projects include the removal and replacement of substation facilities and power lines, and the implementation of SWPPPs to avoid and reduce potential impacts. There is nothing about the Project that is different from others in its class. In litigation over the meaning of “unusual circumstances,” most courts have declined to find that circumstances were unusual; examples where unusual circumstances were identified were striking in their difference from the norm, including, for example, a project in a leaking landfill (*Azusa Land Reclamation Company v. Main San Gabriel Basin Watermaster* [1997] 52 Cal.App. 4th 1665, 1207), involving a particular historic wall (*Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* [2008] 161 Cal.App 4th 1168, 1187), and stock car racing at a fairgrounds near residences (*Lewis v. Seventeenth Dist. Agricultural Ass’n* [1985] 165 Cal App. 3d 823). Each of these cases presented circumstances that were atypical for the type of project proposed and created potentially significant effects due to the unusual circumstances. There is no similar anomaly present in the Project.

Even if unusual circumstances were present, which they are not, there is no reasonable possibility of a significant impact. As explained previously, no

significant impacts of any kind have been identified. The Project consists of replacing an existing substation and undergrounding existing power lines with similar facilities. No potential impacts to biological, cultural, or historic resources or any other environmental resources have been identified, and Liberty will implement a SWPPP to avoid and minimize impacts to nearby waterways.

Protests

Anyone wishing to protest this Advice Letter may do so in a letter sent via U.S. mail, by facsimile, or by email, any of which must be received no later than December 7, 2022, which is 20 days after the date of this Advice Letter. There are no restrictions on who may submit a protest, but the protest shall set forth the grounds upon which it is based and shall be submitted expeditiously. Protests should be mailed to:

California Public Utilities Commission
Energy Division, Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298
Facsimile: (415) 703-2200
Email: edtariffunit@cpuc.ca.gov

The protest should be sent via email and U.S. Mail to Liberty at the address shown below on the same date it is mailed or delivered to the Commission:

Liberty Utilities (CalPeco Electric) LLC
Attn: Advice Letter Protests
933 Eloise Avenue
South Lake Tahoe, CA 96150
Email: CaseAdmin@libertyutilities.com

Persons or groups may protest the proposed construction if they believe that Liberty has incorrectly applied for an exemption or that the conditions set out in Section III.B.2 of G.O. 131-D exist.

Public Comment

Individuals or groups who do not submit an official protest may still submit a comment on the request to the Energy Division at the address noted above, referencing Advice Letter 205-E.

Tier Designation

Pursuant to G.O. 131-D, Section XI, this Advice Letter is being submitted with a Tier 2 designation.

Effective Date

Liberty requests that this Tier 2 advice letter become effective on December 17, 2022, which is 30 days after the date of submittal. (In accordance with G.O. 131-D, construction will not begin until 45 days after notice is first published.)

Notice

In accordance with General Order 96-B, Section 4.3, a copy of this Advice Letter is being sent electronically to parties shown on the attached service list including parties listed in G.O. 131-D, Section XI, Paragraphs B.1 and B.2. Address change requests to Liberty's GO 96-B service list should be directed by electronic mail to: AnnMarie.Sanchez@LibertyUtilities.com.

For changes to all other service lists, please contact the Commission's Process Office at (415) 703-2021 or by electronic mail at ProcessOffice@cpuc.ca.gov.

Thank you for your time and please do not hesitate to reach out with any questions.

Respectfully submitted,

LIBERTY

/s/ Cynthia Fisher

Cynthia Fisher
Manager, Rates and Regulatory Affairs
Email: Cindy.Fisher@libertyutilities.com

Attachments

cc: Todd Roberts, City of Portola's Public Works Director (t.roberts@ci.portola.ca.us)
Drew Bohan, Executive Director, (ExecutiveOffice@energy.ca.gov)
Liberty General Order 96-B Service List

Attachment A
Notice of Proposed Construction

NOTICE OF PROPOSED CONSTRUCTION

Portola Substation Rebuild Project
Advice Letter Number: 205-E
November 17, 2022

Proposed Project: Liberty Utilities (CalPeco Electric) LLC (“Liberty”) is proposing the Portola 60 Kilovolt (kV) Substation Rebuild Project (“Project”) in the City of Portola, California. The Project includes decommissioning and removing the existing 60 kV Portola Substation and rebuilding it to the same 60 kV capacity within the existing parcel. The Project also includes work outside of and adjacent to the parcel, including the undergrounding of tie-ins, installation of a junction box, and replacement of the existing fence surrounding the substation parcel (i.e., the perimeter fence). The Project will increase system safety and reliability of Liberty’s electrical grid by replacing aging equipment and raising the elevation of the substation to avoid potential future flooding of the facility.

Liberty plans to begin with a demolition phase, including the removal of existing equipment and facilities within the substation parcel that are not energized or connected to energized equipment. Once the clearing and demolition of non-essential facilities is complete, grading will be conducted within and immediately next to the substation within the same parcel to bring the parcel up to the same elevation as the adjacent roads, Fourth Avenue and Gulling Street, on the north and east sides, respectively. Grading will reduce the risk of flooding and inundation, which have been experienced in the past.

After grading has been completed, the new substation will be constructed within the existing parcel. Additionally, the existing overhead tie-ins for Line 32 and Line 619, which are located outside of the substation perimeter fence line, will be undergrounded. More specifically, work will include burying approximately 50 feet of the existing Line 32 that runs parallel to the north and east perimeter fence lines and crosses Fourth Avenue to an existing pole on the north side of the street. Additionally, approximately 45 feet of Line 619 that runs parallel to the south and east perimeter fence lines and crosses Gulling Street to tie-in to existing wood poles on the east side of the street will be buried from the northeast corner of the substation parcel to a new junction box to be installed on the east side of Gulling Street. The junction box will be installed adjacent to Gulling Street, replacing two existing wood poles with existing 14.4 kV overhead wire.

Liberty will remove the remaining existing substation equipment and other facilities after the new substation is energized and placed in service. Following the completion of construction activities, the existing six-foot-tall perimeter fence around the substation parcel will be replaced in kind around the new substation facilities.

The Project is not located within critical species habitat and no waterways or wetlands will be impacted by Project activities. One jurisdictional waterway is located parallel to Gulling Street east of the substation parcel. This jurisdictional waterway is an unnamed creek that flows into Middle Fork Feather River. Construction activities will not encroach upon the bed or bank of the waterway; therefore, the Project will not result in any direct impacts. No wetlands were

identified in the Project vicinity. No cultural or historic resources were identified within the Project area; therefore, no impacts to cultural or historic resources are anticipated.

Construction of the Project is scheduled to begin in 2023.

Exemption from CPUC Permit Requirement: CPUC G.O. 131-D, Section III, Subsection B.1, exempts a utility from the CPUC’s requirement to file an application requesting authority to construct if a project meets specific conditions. The Project qualifies for the following exemption(s):

- b. “the replacement of existing power line facilities or supporting structures with equivalent facilities or structures.”
- c. “the minor relocation of existing power line facilities up to 2,000 feet in length, or the intersetting of additional support structures between existing support structures.”
- d. “the conversion of existing overhead lines to underground.”

Public Review Process: Individuals or groups may protest the proposed construction if they believe that the utility has incorrectly applied for an exemption or believe there is a reasonable possibility that the proposed project or cumulative effects or unusual circumstances associated with the project, may adversely impact the environment.

Protests must be filed by December 7, 2022 and should include the following:

- 1. Your name, email address and daytime telephone number.
- 2. Reference to the CPUC Advice Letter Number and Project Name.
- 3. A clear description of the reason for the protest.
- 4. Whether you believe that evidentiary hearings are necessary to resolve factual disputes.

Protests for this Project must be mailed within 20 calendar days to:

California Public Utilities Commission
Energy Division, Tariff Unit
505 Van Ness Avenue, 4th Floor
San Francisco, CA 94102-3298
E-mail: edtariffunit@cpuc.ca.gov

AND

Liberty Utilities (CalPeco Electric) LLC
Attn: Advice Letter Protests
933 Eloise Avenue
South Lake Tahoe, CA 96150
Email: CaseAdmin@libertyutilities.com

Liberty must respond within five business days of receipt and serve its response on each protestant and the Energy Division. Within 30 days after Liberty has submitted its response, the CPUC Executive Director will send you a copy of an Executive Resolution granting or denying the request and stating the reasons for the decision.

Assistance in Filing a Protest: If you need assistance in filing a protest, contact the CPUC Public Advisor: email: public.advisor@cpuc.ca.gov or call: 1-866-849-8390 (toll-free), or (415) 703-2074, or TTY (415) 703-5258.

Public Comment: Even if you do not want to file an official protest, you may still comment on the request. To do so, send your comments to the Energy Division at the address noted above. Please reference Advice Letter 205-E.

Liberty Utilities (CalPeco Electric) LLC
Advice Letter Filing Service List
General Order 96-B, Section 4.3

VIA EMAIL

gbinge@ktminc.com;
emello@sppc.com;
epoole@adplaw.com;
cem@newsdata.com;
rmccann@umich.edu;
sheila@wma.org;
abb@eslawfirm.com;
cbk@eslawfirm.com;
bhodgeusa@yahoo.com;
chilen@nvenergy.com;
phanschen@mofo.com;
liddell@energyattorney.com;
cem@newsdata.com;
dietrichlaw2@earthlink.net;
ericj@eslawfirm.com;
clerk-recorder@sierracounty.ws;
plumascoco@gmail.com;
marshall@psln.com;
stephenhollabaugh@tdpud.org;
gross@portersimon.com;
mccluretahoe@yahoo.com;
catherine.mazzeo@swgas.com;
Theresa.Faegre@libertyutilities.com;
SDG&ETariffs@semprautilities.com;
bcragg@goodinmacbride.com;
AdviceTariffManager@sce.com;

edtariffunit@cpuc.ca.gov;
jrw@cpuc.ca.gov;
rmp@cpuc.ca.gov;
jaime.gannon@cpuc.ca.gov;
mas@cpuc.ca.gov;
txb@cpuc.ca.gov;
efr@cpuc.ca.gov;
tlg@cpuc.ca.gov;
dao@cpuc.ca.gov;
ljt@cpuc.ca.gov;
mmg@cpuc.ca.gov;
kjl@cpuc.ca.gov;
denise.tyrrell@cpuc.ca.gov;
fadi.daye@cpuc.ca.gov;
winnie.ho@cpuc.ca.gov;
usrb@cpuc.ca.gov;
Rob.Oglesby@energy.ca.gov;
stevegreenwald@dwt.com;
vidhyaprabhakaran@dwt.com;
judypau@dwt.com;
dwtcpucdockets@dwt.com;
patrickferguson@dwt.com;
travis.ritchie@sierraclub.org;
dan.marsh@libertyutilities.com;
sharon.yang@libertyutilities.com;
ginge@regintluc.com



ADVICE LETTER SUMMARY

ENERGY UTILITY



MUST BE COMPLETED BY UTILITY (Attach additional pages as needed)

Company name/CPUC Utility No.: Liberty Utilities (CalPeco Electric) LLC (U-933 E)

Utility type:

- ELC GAS WATER
 PLC HEAT

Contact Person: Cindy Fisher

Phone #: 530-721-5191

E-mail: Cindy.Fisher@libertyutilities.com

E-mail Disposition Notice to: AnnMarie.Sanchez@libertyutilities.com

EXPLANATION OF UTILITY TYPE

ELC = Electric GAS = Gas WATER = Water
 PLC = Pipeline HEAT = Heat

(Date Submitted / Received Stamp by CPUC)

Advice Letter (AL) #: 205-E

Tier Designation: 2

Subject of AL: Notice of Construction, Pursuant to General Order 131-D, for the Construction of the Portola Substation Rebuild Project, City of Portola

Keywords (choose from CPUC listing): G.O. 131-D

AL Type: Monthly Quarterly Annual One-Time Other:

If AL submitted in compliance with a Commission order, indicate relevant Decision/Resolution #:

Does AL replace a withdrawn or rejected AL? If so, identify the prior AL: No

Summarize differences between the AL and the prior withdrawn or rejected AL: N/A

Confidential treatment requested? Yes No

If yes, specification of confidential information:

Confidential information will be made available to appropriate parties who execute a nondisclosure agreement. Name and contact information to request nondisclosure agreement/ access to confidential information:

Resolution required? Yes No

Requested effective date: 12/17/22

No. of tariff sheets:

Estimated system annual revenue effect (%): N/A

Estimated system average rate effect (%): N/A

When rates are affected by AL, include attachment in AL showing average rate effects on customer classes (residential, small commercial, large C/I, agricultural, lighting).

Tariff schedules affected: N/A

Service affected and changes proposed¹: N/A

Pending advice letters that revise the same tariff sheets: N/A

¹Discuss in AL if more space is needed.

Protests and all other correspondence regarding this AL are due no later than 20 days after the date of this submittal, unless otherwise authorized by the Commission, and shall be sent to:

CPUC, Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102
Email: EDTariffUnit@cpuc.ca.gov

Name: Cindy Fisher
Title: Manager, Rates and Regulatory Affairs
Utility Name: Liberty Utilities (CalPeco Electric) LLC
Address: 9750 Washburn Road
City: Downey State: California
Telephone (xxx) xxx-xxxx: 530-721-5191
Facsimile (xxx) xxx-xxxx:
Email: Cindy.Fisher@libertyutilities.com

Name: AnnMarie Sanchez
Title: Coordinator
Utility Name: Liberty Utilities (California)
Address: 9750 Washburn Road
City: Downey State: California
Telephone (xxx) xxx-xxxx: 562-805-2052
Facsimile (xxx) xxx-xxxx:
Email: AnnMarie.Sanchez@libertyutilities.com

ENERGY Advice Letter Keywords

| | | |
|---------------------------|--|--------------------------------|
| Affiliate | Direct Access | Preliminary Statement |
| Agreements | Disconnect Service | Procurement |
| Agriculture | ECAC / Energy Cost Adjustment | Qualifying Facility |
| Avoided Cost | EOR / Enhanced Oil Recovery | Rebates |
| Balancing Account | Energy Charge | Refunds |
| Baseline | Energy Efficiency | Reliability |
| Bilingual | Establish Service | Re-MAT/Bio-MAT |
| Billings | Expand Service Area | Revenue Allocation |
| Bioenergy | Forms | Rule 21 |
| Brokerage Fees | Franchise Fee / User Tax | Rules |
| CARE | G.O. 131-D | Section 851 |
| CPUC Reimbursement Fee | GRC / General Rate Case | Self Generation |
| Capacity | Hazardous Waste | Service Area Map |
| Cogeneration | Increase Rates | Service Outage |
| Compliance | Interruptible Service | Solar |
| Conditions of Service | Interutility Transportation | Standby Service |
| Connection | LIEE / Low-Income Energy Efficiency | Storage |
| Conservation | LIRA / Low-Income Ratepayer Assistance | Street Lights |
| Consolidate Tariffs | Late Payment Charge | Surcharges |
| Contracts | Line Extensions | Tariffs |
| Core | Memorandum Account | Taxes |
| Credit | Metered Energy Efficiency | Text Changes |
| Curtable Service | Metering | Transformer |
| Customer Charge | Mobile Home Parks | Transition Cost |
| Customer Owned Generation | Name Change | Transmission Lines |
| Decrease Rates | Non-Core | Transportation Electrification |
| Demand Charge | Non-firm Service Contracts | Transportation Rates |
| Demand Side Fund | Nuclear | Undergrounding |
| Demand Side Management | Oil Pipelines | Voltage Discount |
| Demand Side Response | PBR / Performance Based Ratemaking | Wind Power |
| Deposits | Portfolio | Withdrawal of Service |
| Depreciation | Power Lines | |