

UNITED STATES OF AMERICA
FEDERAL POWER COMMISSION

Before Commissioners: Lee C. White, Chairman; L. J. O'Connor, Jr.,
Carl E. Bagge, John A. Carver, Jr., and
Albert B. Brooke, Jr.

Pacific Gas and Electric Company) Project No. 2678

ORDER ISSUING MINOR-PART LICENSE
(TRANSMISSION LINE)

(Issued July 1, 1969)

Application was filed on June 4, 1968 by Pacific Gas and Electric Company (Applicant) of San Francisco, California, for license under Section 4(e) of the Federal Power Act (Act) for a proposed 60 kv transmission line to be located in Yuba and Nevada Counties, California in the vicinity of Marysville and Smartville, California, and affecting lands of the United States under the supervision of the Department of the Army.

The line will extend a distance of approximately three miles from the switchyard of Yuba County Water Agency's licensed Project No. 2246 to a point of connection with Applicant's interconnected primary transmission system at its Smartville 60 kv substation for transmission, distribution, and sale by Applicant to the public in the central and northern parts of California. The license for Project No. 2246 terminates on April 30, 2016.

The Department of the Army has reported that the proposed line will cross its authorized proposed Marysville Reservoir near the Narrows No. 2 power plant and will also cross two arms of the reservoir, one called Deer Creek and an unnamed ravine. The Corps recommended for inclusion in any license for transmission line Project No. 2678 a provision that the transmission line poles be located above elevation 340 feet (U.S.G.S. Datum) in the vicinity of the reservoir areas to be crossed to avoid relocation of the poles during construction

of the reservoir. The Department also recommended that Applicant consult with the U.S. Corps' District Engineer at Sacramento with regard to clearance between the line's conductors and the reservoir surface. Applicant has advised that the Corps' District Engineer has examined the transmission line profiles and determined that the poles would be located above the 340 foot elevation and the conductors would be above the required minimum clearance over the proposed reservoir areas. Finally, Applicant has submitted a copy of a 50-year easement, effective August 13, 1968, granted by the Department of the Army covering construction of the line across the lands and waters under the supervision of the Department, under which the Department has collected a \$233.00 fee. While, by its terms, the easement may be terminated upon issuance of a Commission license for the line, there is no provision for rebate, proration or otherwise of the fee paid should a Commission license be issued. In the circumstances, and as provided for in Section 10(i) of the Federal Power Act, we are waiving our authority to collect annual charges for the use of lands of the United States. By Article 16 herein we are requiring that the elevation of the line over the Marysville Reservoir areas be such as was recommended by the Corps.

The Department of the Interior, in reporting on the application, has advised that there are no historic properties listed in the National Register established under the provisions of Public Law 89-665 (80 Stat. 915) in the vicinity of the project.

The Resources Agency of California has reported that the proposed transmission line would not affect adversely existing fish and wildlife resources.

We are informed by our San Francisco Regional Office that construction of the subject line commenced on August 14, 1968 and should be completed by July or August, 1969. In the circumstances, we are by Article 17 herein providing that construction of the line be completed within one year of the issuance date of this license.

The Commission finds:

(1) Applicant is a corporation organized under the laws of the State of California, and has submitted satisfactory evidence of compliance with the requirements of all applicable State laws insofar as necessary to effectuate the purposes of a license for the project.

(2) Public notice of the filing of the application has been given. No protests or petitions to intervene have been received. No conflicting application is before the Commission.

(3) The project does not affect a Government dam, nor will the issuance of a license therefor, as hereinafter provided, affect the development of any water resources for public purposes which should be undertaken by the United States.

(4) Subject to the condition hereinafter imposed, the issuance of a license for the project will not interfere or be inconsistent with the purposes for which any reservation or withdrawal of public lands has been made.

(5) The transmission line is a primary line as defined in Section 3(11) of the Act and is a minor part only of a complete project within the meaning of Section 10(i) of the Act.

(6) The exhibits designated and described in paragraph (B) below conform to the Commission's rules and regulations and should be approved as part of this license.

(7) It will be in the public interest to waive the following terms and conditions of Part I of the Act:

Sections 4(b), except the second sentence thereof; 4(e), insofar as it relates to approval of plans by the Chief of Engineers and the Secretary of the Army and to public notice; 6, insofar as it relates to public notice and to the acceptance and expression in the license of terms and conditions of the Act which are hereinafter waived; 10(c), insofar as it relates to depreciation reserves; 10(d); 10(f); 11; 12; 14,

except insofar as the power of condemnation is reserved; 15; 18; 19; 20; 22; and 23(a), insofar as it relates to the determination of fair value.

The Commission orders:

(A) This minor-part license is hereby issued under Sections 4(e) and 10(i) of the Federal Power Act to Pacific Gas and Electric Company for a period effective as of June 1, 1969 and terminating on April 30, 2016, for the construction, operation, and maintenance of transmission line Project No. 2678, subject to the terms and conditions of the Act, insofar as not expressly waived herein, which is incorporated by reference as a part of this license, and subject to such rules and regulations as the Commission has issued or prescribed under the provisions of the Act.

(B) Transmission line Project No. 2678 consists of:

(i) all lands constituting the project area and enclosed by the project boundary or limits which are otherwise defined;

(ii) a single circuit 60-kv transmission line about 3 miles long extending from the switchyard at Narrows No. 2 Power Plant of Yuba County Water Agency's Project No. 2246 to a junction with Licensee's interconnected primary transmission system at its Smartville Substation; and

(iii) all other structures, fixtures, equipment, or facilities which are located on the project area and are useful in the maintenance and operation of the project; which project lands and works are more specifically shown and described by certain exhibits which form part of the application and which are designated and described as:

Exhibit J and K: (FPC No. 2678-1) "60 kv Transmission Line - Narrows 2 P.H. to Smartville Substa."

Exhibit M: One typewritten sheet entitled "General Description and Specifications of the Transmission Line."

(C) This license is also subject to the terms and conditions set forth in Form L-8 (Revised December 1, 1968), entitled "Terms and Conditions of License for Minor-Part

Project (Transmission Line) Affecting Lands of the United States" (FPC), which terms and conditions, designated as Articles 1 through 14, are attached hereto and made a part hereof, and subject to the following special conditions set forth herein as additional articles:

Article 15. Licensee shall pay to the United States the following annual charge effective the first day of the month in which this license is issued:

For the purpose of reimbursing the United States for the costs of administration of Part I of the Act \$5.00 per annum.

Article 16. Licensee shall construct and maintain the Narrows No. 2 - Smartville 60-kv transmission line so that the poles along the alignment thereof will be located above elevation 340 feet (U.S.G.S. Datum) and that the conductors will provide the minimum clearances over water surfaces as stipulated by the Corps of Engineers in those areas to be affected by the construction and operation of the United States' Marysville Dam and Reservoir.

Article 17. Licensee shall complete construction of the project within one year of the date of issuance of this license.

(D) This order shall become final 30 days from the date of its issuance unless application for rehearing shall be filed as provided in Section 313(a) of the Act, and failure to file such an application shall constitute acceptance of this license. In acknowledgment of the acceptance of this license, it shall be signed for the licensee and returned to the Commission within 60 days from the date of issuance of this order.

By the Commission.

(S E A L)

Kenneth F. Plumb
for Gordon M. Grant,
Secretary.

IN TESTIMONY of its acknowledgment of acceptance of all of the provisions, terms and conditions of this license, Pacific Gas and Electric Company, this 11th day of August, 1969, has caused its corporate name to be signed hereto by

S. L. Sibley, its _____ President, and its corporate seal to be affixed hereto and attested by

J. F. Taylor, its _____ Secretary, pursuant to a resolution of its Board of Directors duly

adopted on the _____ day of _____, 1969, a certified

~~copy of the record of which is attached hereto.~~ *pursuant to an extract from Article III of its By-Laws, a certified copy of the record of which is attached hereto.*

PACIFIC GAS AND ELECTRIC COMPANY

By S. L. Sibley
President

Attest:

J. F. Taylor
Secretary

*Conformed 8-12-69
JFT*

(Executed in quadruplicate)

FEDERAL POWER COMMISSION

TERMS AND CONDITIONS OF LICENSE
FOR MINOR-PART PROJECT
(TRANSMISSION LINE)
AFFECTING
LANDS OF THE UNITED STATES

Article 1. The project works and the project area included in the order of the Commission shall be subject to all the provisions, terms, and conditions of the license.

Article 2. No substantial change shall be made in the maps, plans, and statements described and designated as exhibits and approved by the Commission in its order as part of the license, until such change shall have been approved by the Commission: Provided, however, that if the Licensee or the Commission deems it necessary or desirable that said approved exhibits, or any of them, be changed, there shall be submitted to the Commission for approval amended, supplemental, or additional exhibit or exhibits covering the proposed change which, upon approval by the Commission, shall become a part of the license and shall supersede, in whole or in part, such exhibit or exhibits theretofore made a part of the license as may be specified by the Commission.

Article 3. The project area and project works shall be in conformity with the approved exhibits and if the Licensee shall contemplate any alteration in or addition to the project area or project works, the Licensee shall submit to the Commission for approval amended, supplemental, or additional exhibits as provided in Article 2 hereof to show and describe such alteration or addition, together with the statement in writing setting forth the reasons which necessitate or justify such alteration or addition. Except when emergency shall require for the protection of life, health, or property, no alteration or addition not in conformity with the approved exhibits shall be made to any project works under the license without the prior approval of the Commission; and any emergency alteration or addition so made shall thereafter be subject to such modification and change as the Commission may direct.

Article 4. The project, including its construction, operation, and maintenance and any work incident to additions or alterations shall be subject to the inspection and supervision of such officer or agent as the Commission may designate, who shall be the authorized representative of the Commission for such purposes. The Licensee shall furnish

to said representative such information as he may require concerning the construction, operation, and maintenance of the project, and of any alteration thereof, and shall notify him of the date upon which work with respect to any construction or alteration will begin, and as far in advance thereof as said representative may reasonably specify, and shall notify him promptly in writing of any suspension of work for a period of more than one week, and of its resumption and completion. The Licensee shall allow said representative and other officers or employees of the United States, showing proper credentials, free and unrestricted access to, through, and across the project lands and project works in the performance of their official duties.

Article 5. The Licensee shall make provision, or shall bear the reasonable cost, as determined by the agency of the United States affected, of making provision, for avoiding inductive interference between any project transmission line or other project facility constructed, operated, or maintained under the license, and any radio installation, telephone lines, or other communication facility installed or constructed before or after construction of such project transmission line or other project facility and owned, operated, or used by such agency of the United States in administering the lands under its jurisdiction.

None of the provisions of this article is intended to relieve the Licensee from any responsibility or requirement which may be imposed by other lawful authority for avoiding or eliminating inductive interference.

Article 6. In the construction and maintenance of the project works, the Licensee shall place and maintain suitable structures and devices to reduce to a reasonable degree the liability of contact between its transmission lines, and telegraph, telephone, and other signal wires or power transmission lines constructed prior to its transmission lines and not owned by the Licensee, and shall also place and maintain suitable structures and devices to reduce to a reasonable degree the liability of any structures or wires falling and obstructing traffic and endangering life on highways, streets, or railroads.

Article 7. The Licensee shall clear such portions of transmission line rights-of-way; shall keep the areas so designated clear of new growth, all refuse, and flammable material to the satisfaction of such officer; shall trim all branches of trees in contact with or liable to contact the transmission line; shall cut and remove all dead or leaning trees which might fall in contact with the

transmission line; and shall take such other precautions against fire as may be required by such officer. No fires for the burning of waste material shall be set except with the prior written consent of the officer of the United States in charge of the lands as to time and place.

Article 8. Timber on lands of the United States cut, used, or destroyed in the construction and maintenance of the project works or in the clearing of said lands shall be paid for in accordance with the requirements of and at the current stumpage rates applicable to the sale of similar timber by the agency of the United States having jurisdiction over said lands; and all slash and debris resulting from the cutting or destruction of such timber shall be disposed of as the officer of such agency may direct.

Article 9. The Licensee shall do everything reasonably within its power and shall require its employees, contractors, and employees of contractors to do everything reasonably within their power, both independently and upon request of officers of the agency of the United States having jurisdiction over the government lands involved, to prevent and suppress fires on lands occupied under the license.

Article 10. The Licensee shall be liable for injury to, or destruction of, any buildings, bridges, roads, trails, lands, or other property of the United States, occasioned by the construction, maintenance or operation of the project works or of the works appurtenant or accessory thereto under the license. Arrangements to meet such liability, either by compensation for such injury or destruction or by reconstruction or repair of damaged property, or otherwise, shall be made with the appropriate department or agency of the United States.

Article 11. The Licensee shall allow any agency of the United States, without charge, to construct or permit to be constructed on, through, and across the project lands, conduits, chutes, ditches, railroads, roads, trails, telephone and power lines, and other means of transportation and communication not inconsistent with the enjoyment of said lands by the Licensee for the purposes stated in the license. This article shall not be construed as conferring upon the Licensee any right of use, occupancy, or enjoyment of the lands of the United States other than for the construction, operation, and maintenance of the project as stated in the license.

Article 12. If the Licensee shall cause or suffer essential project property to be removed or destroyed or to become unfit for use, without replacement, or shall abandon or discontinue good faith operation of the project for a period of three years, or refuse or neglect to comply with the terms of the license and the lawful orders of the Commission mailed to the record address of the Licensee or its agent, the Commission will deem it to be the intent of the Licensee to surrender the license, and not less than 90 days after public notice may in its discretion terminate the license.

Article 13. Upon abandonment of the project the Licensee shall remove all buildings, equipment and power lines from lands of the United States and restore said lands to a condition satisfactory to agency having jurisdiction over the lands and shall fulfill such other obligations under the license as the Commission may prescribe.

Article 14. The right of the Licensee and of its transferees and successors to use or occupy lands of the United States under the license for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the license period, unless a new license is issued pursuant to the then existing laws and regulations.