

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

Application of SOUTHERN CALIFORNIA GAS
COMPANY (U 904 G) to Amend its Certificate of
Public Convenience and Necessity for the Aliso
Canyon Gas Storage Facility.

Application No. 09-09-020
(Filed September 30, 2009)

**PETITION FOR MODIFICATION
OF DECISION 13-11-023**

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September 11, 2014

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Pursuant to Rule 16.4 of the Commission’s Rules of Practice and Procedure, Southern California Gas Company, (“SoCalGas”) as Applicant, and Southern California Edison Company (“SCE”), as party to the proceeding, respectfully request modification of Decision (D.) 13-11-023 (Decision Addressing Application of Southern California Gas Company to Amend its Certificate of Public Convenience and Necessity for the Aliso Canyon Gas Storage Facility), issued on November 22, 2013 (“Decision”).

I. INTRODUCTION AND SUMMARY OF PROJECT

On September 30, 2009, SoCalGas filed the Application in the above-referenced proceeding to undertake the Aliso Canyon Turbine Replacement Project (the “Project”), as required in order to meet the terms of a Settlement Agreement (SA) between SoCalGas and parties to Phase 1 of the 2009 Biennial Cost Allocation Proceeding (BCAP) in D.08-12-020. The BCAP Phase 1 Settlement, among other things, required SoCalGas to make commercially reasonable efforts to replace the existing three obsolete LM-1500 turbines used to compress up to 300 MMcfd of natural gas for injection into storage at the Aliso Canyon Storage Facility. The following components at the Storage Facility are included in the construction and operation of the Project:

- Central Compressor Station with three new electric-driven, variable-speed compressors and pipelines to connect the station to existing facilities;
- 12-kilovolt (kV) Plant Power Line to supply the Central Compressor Station with power;
- Office and crew-shift buildings; and
- Guardhouse on a widened segment of the existing entry road into the storage facility.

In addition, the existing compressor station and its three gas turbine-driven compressors, and the existing main office and crew-shift buildings will be decommissioned and removed.

New and modified SCE electrical facilities are required to provide power for the Project. To provide power to the electric-driven, variable-speed compressors, SCE will construct and operate a 56-megavolt-ampere, 66/12-kV substation (the Natural Substation) on the Storage Facility site; and reconductor and replace towers and poles along segments of SCE's MacNeil-Newhall-San Fernando-Sunshine 66-kV Subtransmission Line and MacNeil-Newhall-San Fernando 66-kV Subtransmission Line in the Project area. In addition, SCE will install equipment at SCE's Newhall, Chatsworth, Pardee, and San Fernando Substations; and install new fiber optic telecommunications cable in order to allow for remote monitoring and operation of the electrical facilities. The Final Environmental Impact Report ("FEIR") for the Project was prepared pursuant to the California Environmental Quality Act ("CEQA") and was certified by the Commission concurrently with the aforementioned Decision.

II. THE DECISION SHOULD BE MODIFIED TO ADDRESS FEIR MITIGATION MEASURES, TO CLARIFY MITIGATION OBLIGATIONS, TO ENSURE FEASIBILITY OF MEASURES IN LIGHT OF FINAL PROJECT DESIGN, AND TO ALLOW FOR MODIFICATIONS TO SCE'S PROJECT SCOPE

As SoCalGas and SCE have continued to develop final engineering and design of the

Project, each has discovered that a few Applicant Proposed Measures (“APMs”) and Mitigation Measures (“MMs”) set forth in the FEIR should be modified to: (i) to reflect and clarify each party’s understanding of the mitigation obligations, and (ii) to ensure feasibility of implementation consistent with Project final engineering and designs. Consequently, SoCalGas and SCE have worked diligently with Commission staff and consultants to arrive at appropriate APM and MM modifications that are feasible and that minimize significant adverse impacts to the environment. SoCalGas and SCE respectfully request that the Commission modify D.13-11-023 to include the modifications to APM BR-4, MM BR-5, MM BR-15, and MM HZ-2 as they are set forth and otherwise expressly or implicitly referenced in the FEIR. The requested modifications are set forth in Attachment “A” hereto. The reasons for each APM and MM revision request are set forth below:

A. APM BR-4: Preconstruction Gnatcatcher Surveys

SoCalGas and SCE are requesting changes to this APM to allow construction of the Project to proceed where suitable California gnatcatcher habitat exists, if protocol surveys show that the area is unoccupied by California gnatcatcher. SoCalGas and SCE believe that the changes to this APM would not decrease protection of California gnatcatcher. The revisions include suggested additional language clarifying conditions under which it would be appropriate for construction activities to occur within the California gnatcatcher habitat.

B. MM BR-5: Impacts to Hydrologic Features

The final design of one of SCE’s tubular steel poles must be located in a parking lot, immediately adjacent to a non-channelized drainage with consistently flowing water. Specifically, the existing tower to be removed is within 50 feet of the drainage, and SCE is proposing to install the new tubular steel pole near this location, but still within 50 feet of the

drainage. Accordingly, by virtue of the location of the existing tower's location, SCE cannot avoid being within 50 feet of the drainage during construction. The drainage receives flow from urban, non-point sources on a continuous basis, and conducting work during a dry period is not feasible. The mitigation measure revisions allow for construction to proceed while providing a means of protecting water quality of the drainage.

C. MM BR-15: Restoration of Native Oak Trees

These requested revisions reflect that: (i) the City of Santa Clarita, Los Angeles County and Ventura County Oak Tree ordinances are used as general guidance in this mitigation measure for protection of oak species, and have differing guidelines for the protection of oak trees; (ii) allowing the planting size criteria to be left to the discretion of the qualified arborist, can/will achieve better, site-specific planting success; and (iii) while the tree replacement success rate of 100% may be appropriate for a more urban setting, a 75% success rate is more appropriate, and sufficiently high, for a wildlands setting such as the project area. The revised replanting ratio of 4:1 is an appropriate--yet still conservative--ratio for replacement of oak trees of this size (a trunk of 8 inches or more in diameter at 4.5 feet DBH) or larger in wildland settings. In addition, due to the number of oak trees needed for mitigation, the project area may not have sufficient space for replanting. Adding flexibility to mitigate on-site, off-site, or through the purchase of mitigation lands will ensure oak tree restoration is completed in a manner that is feasible to implement and best biologically for the species. The proposed mitigation measure revisions, allow for construction to proceed while providing an appropriate means of restoring native oak trees.

D. MM HZ-2: Construction Fire Control and Emergency Response Measures

The revisions to this measure are being requested in order to address SoCalGas' concerns associated with implementing this mitigation measure. Proposed changes to this measure include allowing one Fire Risk Manager to monitor more than one component at a time; clarifying language relating to fire extinguishers on board heavy equipment; clarifying construction worker responsibility for fighting incipient fires; requiring Fire Risk Managers to act as liaisons with local firefighting units; and ensuring Fire Risk Managers and construction crews have appropriate and operational communication devices to report fires immediately. SoCalGas believes that the mitigation measures will have no adverse impacts on SoCalGas' or SCE's ability to address fire control or emergency response measures that SoCalGas and SCE would need to perform when undertaking Project activities.

E. Clarification of Finding of Fact 28

On page 60 of the Decision, Finding of Fact 28 states as follows:

28. No recreational or park land will be disturbed or otherwise affected by the Project.

As noted in SCE's Comments on the Proposed Decision, and as analyzed in the Final EIR, some SCE construction activities will occur both in and near parks or recreational facilities. However, as stated in the Decision, the Final EIR determined that the, "construction and operation of the Project will result in less than significant impact on recreation resources because the Project will not pose a substantial demand on existing recreational facilities and will not involve the construction or expansion of recreational facilities." Decision at 20 (citing Final EIR, Section 4.14).

F. Proposed Modifications to SCE's Project Scope

As described in detail in Attachment "B," SCE proposes modifications to the scope of two project components: (1) modifications to the 66 kV subtransmission lines (fewer tubular steel poles (TSPs), re-route of subtransmission line at the "tap" location on the east side of Interstate 5, re-route of the subtransmission line west of Sunshine Canyon Landfill); and (2) modifications to the proposed 66 kV access roads (rehabilitation of existing or construction of new access roads). As described in detail in Attachment "B," none of the proposed changes would result in a significant impact additional to those contained in the FEIR.

III. THESE MINOR TECHNICAL CHANGES SHOULD BE ADDRESSED WITH AN ADDENDUM TO THE FEIR

CEQA Guidelines Section 15164 provides for the use of an addendum to document the basis of a lead agency's decision not to require a Subsequent or Supplemental EIR for a project that is already adequately covered in an existing certified EIR. The lead agency's decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present¹. Given that the modifications to the APMs, MMs, and SCE's Project scope, as requested

¹ CEQA Guidelines Section 15162 provides as follows:

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following: (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant, environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

in this Petition are minor, do not result in additional environmental impacts, and do not trigger any conditions under CEQA Guidelines Section 15162 to occur, SCE and SoCalGas respectfully request that the Commission prepare an addendum to the FEIR if it determines that it will approve this Petition.

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

(d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

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NOTICE OF AVAILABILITY

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TO: All Parties of Record in A.09-09-020:

Please be advised that on September 11, 2014, Southern California Gas Company (“SoCalGas”) filed with the California Public Utilities Commission (“Commission”) a Petition for Modification of Decision 13-11-023 as captioned above. Pursuant to Rule 1.9(d) of the Commission’s Rules of Practice and Procedure, you may receive a copy of the Application by directing your request in writing to:

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This Petition for Modification is also available for viewing and printing on the SoCalGas

