



City of
Chino Hills

Testimony of Mayor Art Bennett

**Prepared for the
House Committee on Financial Services
Subcommittee on Insurance, Housing, and Community Opportunity**

April 14, 2012

I. Introduction of Mayor Bennett

- Chairman Biggert, Ranking Member Gutierrez, Chairman Miller and members of the Subcommittee on Insurance, Housing, and Community Opportunity, thank you for the invitation to testify on behalf of the City of Chino Hills and our community. I am pleased to have the opportunity to provide our perspective on the impact of the overhead high voltage transmission towers and lines, and will share information on the active role the City of Chino Hills has played since 2007.

II. The Process for Power Line Siting in California

- A high voltage power line proposed in California must go through a transmission planning process whereby the California Independent System Operator must analyze the cost effectiveness and impact on grid reliability of the proposed line. For the project to proceed, the CAISO must agree that it will accept the completed line into its control system grid. When the CAISO undertook this process for the TRTP line, it specifically noted that alternative routes would have to be considered in a portion of the route near the City of Chino Hills.
- Large high voltage power lines built by investor-owned utilities must be approved by the California Public Utilities Commission through the issuance of a Certificate of Public Convenience and Necessity. Such projects also require the CPUC to prepare an Environmental Impact Report in addition to issuing a decision determining a need for the project and calculating a cost cap for the project.
- As part of the CEQA process to develop an EIR, the utility proposing the project must submit the Proponent's Environmental Assessment (PEA), and in that document, the utility must explain how it identified and analyzed potential alternatives to the proposed project. For a power line such as the TRTP project, this means the utility must discuss alternative routes for the transmission line. Southern California Edison's PEA did discuss alternative routes through the Chino Hills State Park or undergrounding the transmission line within the City of Chino Hills, but dismissed these alternatives as infeasible.

- Once the CPUC's consultant issues a Draft EIR, all interested parties have an opportunity to comment on the DEIR and to offer information about other alternatives not identified in the DEIR. After that, hearings are held on the need for the project and the feasibility of the alternatives, as well as other non-environmental issues.
- After the hearings, the Administrative Law Judge and Assigned Commissioner will issue a Proposed Decision in the case, and all parties will have the chance to comment on the Proposed Decision before the full Commission votes on a final decision. A party dissatisfied with the CPUC's decision may file for rehearing with the CPUC, and if rehearing is denied, it may file an appeal with the state courts.

III. The History of the Tehachapi Renewable Transmission Project - The City of Chino Hills Has Played an Active Role Throughout the Proceedings

- SCE filed its application to construct the TRTP on June 29, 2007.
- The City of Chino Hills became aware of the TRTP project after Edison filed its application. The City immediately undertook a proactive approach to participation in the CPUC siting process in order to explore the feasibility of alternative routes that would not involve towers nearly 200 feet tall in a narrow 150 foot wide Right of Way passing directly through the center of Chino Hills. The City did **not** oppose the TRTP project itself, and limited its participation to attempting to develop a consensus alternative to the proposed SCE route.
- At its own expense the City of Chino Hills assembled a team of transmission, environmental and regulatory experts to explore the viability of alternative routes for the transmission line.
- The City held dozens of meetings over a period of nearly two and a half years with CPUC staff, SCE project personnel, numerous state agencies, landowners of property adjoining the various alternative routes, and various environmental groups, particularly those with an interest in Chino Hills State Park. These meetings and its own consultants' work enabled the City to propose several alternative routes for the CPUC's consideration and environmental review.
- The City's preferred alternative, Alternative 4CM, would have interconnected the TRTP line to an existing 500 kV transmission line that crosses through the center of Chino Hills State Park (Park), but by more efficiently aligning the transmission grid, there would be fewer transmission lines within the Park after this alternative was built than there are today. This alternative would also eliminate the need for tall transmission towers within the City of Chino Hills. The City's Alternative 4CM was supported by a variety of environmental groups, including the Sierra Club and Hills For Everyone, the group most responsible for the creation of Chino Hills State Park.
- The Draft EIR was released for comment in February of 2009, and it declared the preferred environmental alternative to be SCE's proposed route.

- Ten days of evidentiary hearings were held in July 2009, in which the City of Chino Hills presented significant testimony to support the adoption of its alternative route.
- After an Oral Argument in front of all five Commissioners, a final decision granting the TRTP project, and adopting the SCE proposed route through the City of Chino Hills, was issued on December 24, 2009.
- The City of Chino Hills filed an application for rehearing of the decision, and the CPUC has yet not acted on this application, over two years after it was filed. As a result, the City has not yet filed an appeal of the decision in the Courts.
- The City did file a lawsuit in Superior Court challenging the adequacy of the SCE easements in the right of way. The Superior Court and the Court of Appeals found in favor of SCE in these proceedings, although the City contends that the issues still to be resolved in its rehearing before the CPUC would have induced the Court to reverse its decision.
- After SCE began construction of the portion of the transmission line within the City of Chino Hills, residents became extremely upset at the enormous size and proximity of the high voltage transmission towers and began yet another campaign to induce SCE to stop the project's construction through their City. This grassroots campaign appealed to SCE's Board of Directors, and to the CPUC Commissioners directly. The City reiterated its request to the CPUC to halt construction and filed a Petition for Modification with the CPUC, seeking to reopen the case.
- All five CPUC Commissioners made personal visits to see the tower construction at the behest of the City. We believe these visits were extremely important. The CPUC issued an order staying construction of the project (partly as a result of objections of the FAA which had other issues with the project). In addition, the President of the CPUC issued a ruling ordering SCE to reopen the proceeding and provide testimony re-examining whether other alternatives could satisfy the needs of the project without having the negative impacts on the City of Chino Hills that the adopted route was causing. SCE submitted this additional testimony in two segments, on January 10th and February 1st of 2012.
- The City of Chino Hills and SCE engaged in a mediated Alternative Dispute Resolution process to attempt to reach a settlement on a route design that could allow the project to proceed. The parties did not reach agreement.
- The City of Chino Hills strongly supports a single circuit underground transmission alternative, and has asked the CPUC to allow the City to present evidence in support of its alternative in evidentiary hearings.

IV. The Impact of TRTP on the City of Chino Hills and its Residents

- The SCE transmission route places 195 foot tall 500 kV towers in a narrow right of way, only 150 feet wide. This narrow right of way was designed for 75 foot high 230 kV structures which have not been energized in decades. No other utility in the United States has placed 500 kV towers this tall in such a narrow right of way.¹
- Some homes along the right of way are located at the very edge of the easement, meaning that the SCE towers are only 75 feet from these residents' homes. SCE has seen a substantial number of 500 kV transmission towers fail in the past (fortunately all in remote areas), and the risk of personal or property damage if any of these towers were to fail is extremely high because the right of way is so narrow. Residents also feel very concerned by the high EMF levels that the transmission line will generate, as well as the omnipresent and threatening proximity of such tall and overhanging structures so close to their homes and backyards.
- The Subcommittee is concerned about the impact of such transmission lines on property owners who may be ineligible for federal home loans if they are within a utility easement and within the "fall zone" of a tower. However, the towers SCE has built are so tall that many residents who are **outside** the easement are still within the "fall zone," and still at risk from a tower failure.
- The SCE towers increase the risk of wildland fires in Chino Hills, as the height of the towers prevents firefighters from using helicopters or airplanes to drop fire retardant on fires near the transmission line route.
- Chino Hills has strict zoning and land use regulations to avoid ridgetop development that will significantly impact the views of and from the many hills and ridges in the community. This is central to the character of Chino Hills, but this key land use principle is permanently violated by such tall transmission towers located along a central ridge in the community.
- The City commissioned a study of the impact on real estate values of the tall transmission towers, and concluded, in 2009 dollars, that SCE would have to pay a minimum of \$62 million to compensate commercial and residential landowners for the loss of use of their property, including what was necessary to create a safer, wider 200 foot right of way.
- The City is continuing to study real estate value impacts of the SCE project, and has anecdotal evidence that reduced property values due to the construction of the tall towers will drive down home values in the immediate proximity of the right of way, and that these "comparable sales" will further drive down property values throughout the entire City.

¹ There is one similar example in Georgia, but there the transmission line was built first and the local government allowed the apartments to be built later.

V. Present Status of the Case

- The CPUC is currently considering what procedural steps to take next. It may hold a hearing on the feasibility of the underground alternatives that the City is advocating.

VI. Conclusion

- Chino Hills has participated constructively in the CPUC process for transmission line siting, but that process has failed the citizens of Chino Hills to date. No high voltage transmission towers as tall as 200 feet should be installed in such a narrow right of way in a densely populated community. The regulators should have adopted an alternative route, as they were warned from the very beginning, due to the issues that would arise from trying to shoehorn a large high voltage line into a right of way intended for far smaller lines.
- We applaud the CPUC for reopening the proceeding and taking additional evidence on alternative routes, and we are very encouraged that it appears that there are feasible and cost effective underground construction techniques that could eliminate all of the negative impacts of the transmission line that have threatened our community.
- We urge the members of the Subcommittee to express their views to the CPUC and help us convince the Commissioners that it should not make the same mistake as it did in 2009, and that an alternative route should be selected.