A Grassroots Campaign

California residents band together to fight transmission line

BY ERIK TILKEMEIER

Public opposition can derail a project just as quickly as can the discovery of an endangered species following an environmental analysis. The reality is, no project developer would take on a project without analyzing the financial, environmental and construction risks, but few developers conduct a social risk analysis.

IN CALIFORNIA: CASE IN POINT

On July 11, 2013, the California Public Utilities Commission (CPUC) ruled that Southern California Edison (SCE) must underground a 3.5-mile segment of the 500kV Tehachapi Renewable Transmission Project (TRTP) through the city of Chino Hills, at an estimated cost of $224 million. The overhead alternative was estimated to cost $4 million.

This ruling occurred four years after the CPUC had granted a Certificate of Public Convenience and Necessity for the project, after SCE had already constructed 12 of 16 towers in the approved existing right of way and after a 20-month suspension of construction. The controversy over this 3.5-mile segment has held up a 173 mile, $2.1 billion transmission project.

"It's the dawn of a new era in transmission line planning in this state. In urban and suburban areas, we have to look anew at how we site transmission lines, and carefully weigh their role in fulfilling the state's energy goals against their impact on community values," said Michael Peevey, President of CPUC.

So what happened? SCE submitted their application in 2007, completed their environmental reviews, conducted their routine public hearings and were granted a permit in 2009. Everything should have been good to go, right?

To understand what led to this outcome, we need to back up to the Spring of 2007, when SCE held community open houses. The city of Chino Hills and a number of local residents opposed SCE's plan of constructing overhead lines in an existing 150-foot wide right of way that SCE had owned and utilized since 1941. The city argued for alternatives of routing the project through an adjacent state park, or undergrounding Segment 8A, the portion that fell within the city limits.

SCE prevailed in the formal process, and the CPUC approved the project in the fall of 2009. The city of Chino Hills filed a timely Application for Rehearing of the Decision, but the Commission did not act on it. The issues held by the community were unresolved—in National Environmental Protection Act (NEPA) terms, "productive harmony" had not been achieved. NEPA defines productive harmony as a "balance between man and nature." Lynton Caldwell, the author of NEPA, intended for there to be harmony between the projects and the communities they impact.

While SCE had obtained formal regulatory permission to construct the overhead lines, they did not have a "social license" from the people impacted to continue. Nevertheless, with the legal permit in hand, SCE began construction in spring 2010.

A GRASSROOTS CAMPAIGN GAINS MOMENTUM

The predictable uprising of residents whose concerns had not been adequately mitigated quickly followed. Upon returning from vacation in November 2010, Chino Hills resident Bob Goodwin encountered a new 200-foot tall transmission tower across the street from his home. It was far more imposing than what he envisioned from the project materials presented at the community open houses some four years prior. Soon thereafter, the project-opposing residents, now organized under the name Hope for the Hills, re-upped their efforts to fight the intrusion in their neighborhood.

Mounting a grassroots campaign to bring attention to their plight, Hope for the Hills used their neighborhood connections to influence the CPUC. Employing tactics ranging from mailing plastic dead rats to commissioners to represent the unknown health hazards, to sending contingents of citizens to every hearing clad in bright yellow branded T-shirts, Hope for the Hills was determined to sway the regulating body. Their objective was to get the commissioners to visit the site in person so they could witness the community's concerns firsthand.

When SCE erected towers in Chino Hills, the Federal Aviation Administration recommended that they modify portions of Segment 8 by installing marker balls on certain spans, installing lighting on certain structures, and making certain engineering refinements. On October 17, 2011, SCE filed a Petition for Modification seeking "modification of the findings of fact, conclusions of law, and ordering paragraphs to account for the proposed FAA recommended changes." On October 28, 2011, Chino Hills also filed a Petition for Modification to reopen the record with regard to Segment 8, stating that the transmission structures had a "visual, economic, and societal impact far more significant than what the City or Commission envisioned at the time the Certificate of Public Convenience and Necessity was issued."

Hope for the Hills' persistence in persuading the Public Utilities Commissioners to visit the site paid off. On November 11, 2011, Michael Peevey, the Assigned Commissioner for the CPUC (who, coincidently, is a past President of Edison International) issued a ruling directing SCE to prepare alternatives to the routing of the portion of Section 8 that traverses Chino Hills. Construction was suspended.

On July 11, 2013, after 20 months of negotiations, hearings, and administrative law judge rulings, the CPUC directed SCE to underground the 3.5-mile segment in Chino Hills. It appears that the Commission had evolved their social ecological perspective and now placed greater emphasis on community and societal values than they had four years earlier.

One of SCE's primary arguments against undergrounding stems from the belief that ratepayers should not have to bear the additional cost for the benefit of the residents of Chino Hills. But SCE's legal costs, reengineering costs, costs of project delays,

Residents in Chino Hills persuaded the Public Utilities Commission to suspend construction and underground a 3.5 mile segment, causing $220 million in incremental legal and construction costs.

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deconstruction costs, and possible responsibility for the $220 million in increased construction costs arising from this public opposition might have been avoided, had the utility taken a social ecological approach, engaging the community early on in the process.

WHEN THE RIGHT APPROACH WORKS

In contrast to the outcome of the TRTP/Chino Hills project, other projects have experienced success because they effectively engaged the community in the project planning and development phase. Rather than rely solely on the formal process and legal system, successful projects like Holy Cross Energy and Windfarms Ltd show the benefits gained by putting in the time and effort to identify and truly understand the community issues with a commitment to resolving those issues in the planning and entitlement process.

Holy Cross Energy, an electric cooperative serving mountain communities in Colorado, constructed a seven-mile underground transmission line and substation to serve the resort community of Snowmass, Colorado. By engaging citizens in the planning process, Holy Cross not only permitted the project without opposition, but the residents of Snowmass concluded that it would not be fair for other co-op members to be burdened with the cost associated with their desire to underground the transmission line. Snowmass community members actually created the formula for a surcharge on themselves and voted for its approval. The Holy Cross project manager stated that the process saved them 10 years and tens of millions of dollars. (For the complete story, see "The Holy Cross Energy Experience," published in the July/August 2009 issue of Right of Way Magazine.)

Windfarms Ltd, an early developer of wind energy projects in Hawaii, obtained a permit for, and constructed a wind farm at Kahuku Point on the island of Oahu without public opposition. This was the first project approved on Oahu with full citizen support in over eight years. How did they do it? By engaging local citizens in an informal process to understand and resolve issues. That process revealed that viewsheds, noise and industrialization were not project-killing issues. These residents were primarily concerned with getting the developers to recognize their cultural heritage as expert kite flyers and ensuring there would be adequate safety during construction. With this knowledge, Windfarms Ltd proposed using local high school students to fly meteorological kites to assess wind conditions, and to have the turbine components shipped to the site via barge, rather than by truck on the narrow local roads. (For more details on this project, see "Overcoming Community Roadblocks," published in the March/April 2010 issue of Right of Way Magazine.)

IT'S TIME TO USE WHAT WORKS

In today's connected, information-rich environment, the old model that was based on designing, proposing and defending the development plan has become ineffective. Spending significant time and money on design and engineering, producing and presenting comprehensive proposals, and then defending that plan against any and all opposition is not only costly, it is also inefficient and unreliable. It also fails to create social capital, goodwill and transparency.

In contrast, an effective approach is based on learning about and engaging the residents, while showing them the benefits they will gain from the project. By understanding the local community's culture and issues, and engaging the carriers of those issues to create solutions, the public can benefit by a sense of inclusion, predictability and ownership of the solution. Mobilizing the "moderate middle" with meaningful solutions to their issues disempowers the radical fringes and special interest groups. Employing this process early in project planning stages saves time and money and generates goodwill. More importantly, the project proponents benefit from public support while minimizing the risk of litigation.

Community outreach is not public relations, nor is it a marketing strategy to put a positive spin on an ultimately negative impact. Rather, it is an effort to learn and understand the key challenges facing the residents within each of the impacted geographic areas and using that knowledge to resolve their issues. ✪

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