



# UPDATE: Upcoming CPUC Rulemaking to Streamline Transmission Line Permitting

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**UPDATE:** The Commission adopted the Proposed OIR at its May 18, 2023 voting meeting and opened Rulemaking 23-05-018.

The California Public Utilities Commission (Commission) has uploaded a proposed Order Instituting Rulemaking (OIR) that would revamp the permitting process for siting of electric transmission infrastructure within the state of California. The OIR, which is expected to be adopted at the Commission's May 18, 2023 voting meeting, would update and amend General Order (GO) 131-D to implement the permitting streamlining changes adopted in Senate Bill (SB) 529 (Hertzberg, 2022) last year as well as make other changes.

GO 131-D sets forth the Commission's process for addressing the siting of electric transmission lines, substations and related facilities. The level of analysis performed by the Commission varies with the size (measured in voltage) of the transmission project. SB 529 added Public Utilities Code Section 564, which provides that:

*By January 1, 2024, the commission shall update General Order 131-D to authorize each public utility electrical corporation to use the permit-to-construct process or claim an exemption under Section III(B) of that general order to seek approval to construct an extension, expansion, upgrade, or other modification to its existing electrical transmission facilities, including electric transmission lines and substations within existing transmission easements, rights of way, or franchise agreements, irrespective of whether the electrical transmission facility is above a 200-kilovolt voltage level.*

Thus, the proposed OIR would allow electric utilities to use the more streamlined Permit to Construct (PTC) process for "extension, expansion, upgrade, or other modification" of existing transmission lines, irrespective of the voltage of the facilities, rather than the more onerous Certificate of Public Convenience and Necessity (CPCN) process. While both processes require environmental review under the California

Environmental Quality Act (CEQA), the PTC process generally does not require a detailed analysis of the need for or economics of a project that is required under the CPCN process. ***SB 529's proponents believe that this could reduce the approval time for such projects under the PTC process to approximately one year in contrast to the multi-year CPCN process.***

In addition to implementing SB 529, the proposed OIR explains that the Commission plans to also consider other modifications to GO 131-D:

Should the Commission modify GO 131-D to:

1.
  1. Reflect changes in Commission Rules and other regulations that have occurred since GO 131-D was last modified in 1995?
  2. Provide the Commission with better cost information for electrical infrastructure projects?
  3. Create a process for permitting battery storage projects?
  4. Respond to requests from resource agencies for the Commission to serve as the lead agency pursuant to CEQA for all electric infrastructure projects requiring discretionary permits?
  5. Increase cost transparency for projects subject to GO 131-D?
  6. Provide better notice to local governments of projects in their locality?
  7. Better align GO 131-D with GO 96-B?
  8. Adopt other changes to GO 131-D as needed?

This is a critical rulemaking aimed at updating the Commission process for approval of transmission lines in order to help California meet its ambitious renewable energy goals. The proposed OIR notes that since the Commission first adopted GO 131-D in 1994, there have been “significant changes in both the physical configuration of the electric grid and the market structure for electricity in California.”

The proposed changes to GO 131-D included with the proposed OIR can be found here. Once the proposed OIR is adopted, respondents and other parties will have an opportunity to file comments on the OIR within 30 days of issuance and participate in this rulemaking proceeding. This proceeding is expected to move quickly in order to meet the January 1, 2024 set in SB 529 for the Commission to update GO 131-D.